

**INFLUENCE AND OUTCOME: THE MAKING OF A US POLICY ON
ANTI-PERSONNEL LANDMINES**

by

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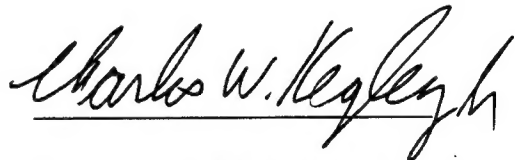
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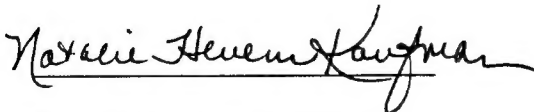
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*This thesis is dedicated to my wife Tina,
Who by her example has always inspired me to do better,
And to my two sons, Joshua and Bradley,
Who I pray will live in a world of justice, freedom, and peace.*

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Introduction

In the spring of 1996, a very public and rancorous debate ensued over the question of whether the United States would lead, or even join in, the global effort to ban the manufacture and use of anti-personnel landmines. It was a debate that had been dragging on for a while among foreign policy elites and defense experts both in and out of uniform. However, in a very short period of time a series of events caused the issue to spill over into the public arena.

In late 1995, US and NATO troops were deployed to mine-infested Bosnia under the provisions of the Dayton peace accords. Military leaders fretted publicly that once the frozen Balkan soil began to thaw, the thousands of landmines buried and left unattended during the long civil war would pose a grave danger to NATO peacekeepers. In March 1996, then-UN Ambassador Madeline Albright returned from a trip to Angola whose civilian populace was being devastated by anti-personnel landmine injuries. Upon her return she sent a confidential letter to the President and other senior officials, including Defense Secretary William Perry, asking him to rethink US landmine policy with an eye toward eliminating their use "in our lifetimes."¹ The letter was leaked to the press and the public discussion over US landmine use gained new life. Special interest groups, who often work in the shadows of the foreign policymaking process, garnered the support of some very high profile individuals and moved to center stage as the question of whether the United States would lend its stature to a global anti-personnel landmine ban became a very public one.

After months of deliberation and participation in a series of international conferences on the issue, the Clinton administration finally arrived at a policy on anti-personnel landmines, which it publicly announced on May 16th 1996. In spite of being called a "new initiative," the policy was essentially no change to the status quo. While it offered that the US would pursue a permanent global ban sometime in the future, it reserved for the US the option of using self-destructing anti-personnel landmines where it saw fit, as well as the right to employ all classes of landmines in its mission of guarding the Korean peninsula. Additionally, the US Department of Defense was charged with increasing its global demining efforts in those regions where innocent civilians are most at risk from landmine detonations.² While the policy called for increased effort to develop new technologies as an alternative to landmines and added some new requirements for the Chairman of the Joint Chiefs to annually report on the need for keeping landmines in the US military inventory, there was little fundamental change in US policy.

The viability, coherence, and quality of the current landmine policy continue to be debated and questioned. However, the landmine issue itself and the policy process it spurred gave rise to a larger and more consequential question that should be addressed: *what were the specific determinants of this policy and how did each affect the policy outcome?* In attempting to answer this question, one must look to some of the existing models of foreign policy decision making that can possibly provide a conceptual framework to adequately explain the process by which the administration arrived at the current anti-personnel landmine policy.

The Value of Examining This Particular Case

This particular case is important for several reasons. First, the fact that the elimination of anti-personnel landmines received serious consideration, and even made it onto the foreign policy agenda, provides valuable insight on whether American foreign policy is crafted from a primarily realist or liberal perspective.

Realists are quick to argue that foreign policy decision making is based upon a rational calculus of state interests. To the realists, states will never behave in a manner contrary to their interests and will dismiss out of hand any attempt to erode the primacy of their interests for the benefit of other states or issues. The fact that an anti-personnel landmine ban even made it onto the foreign policy agenda, let alone received serious consideration, suggests that, at least to some degree, realism may not be so deeply woven into the fabric of American foreign policy.

The ground forces of the US military have relied on the use of landmines in every modern conflict. According to US military doctrine mines are used to channelize enemy forces, to deny terrain to the enemy that cannot be sufficiently defended, to scatter opposing forces over a broad area, and to disrupt an enemy force's command and control.³ Landmines are useful weapons for ground forces and thus, abrogating their use would place a nation's ground forces at a distinct disadvantage. The idea that the US would seriously consider renouncing the use of such militarily useful weapons for the greater good of humankind clashes with the realist notion of the primacy of self-interest in policy decision making.

Additionally, the realist ideal that a maximization of military power is of paramount concern to the state naturally makes disarmament of any kind hard to digest.

However there is a clear distinction that needs to be made between the case of anti-personnel landmines and the disarmament of weapons of mass destruction like nuclear, chemical, and biological weaponry. The United States has been a global leader in the effort to reduce the level of weapons of mass destruction around the world. But that particular category of weapons is strategic in nature. Weapons of mass destruction are not only valuable in their own right, but are rather like commodities that can be bargained away in the international arena for national level objectives. Their destructive power gives them a certain low level of marginal utility -- the difference between 500 nuclear warheads and 1000 nuclear warheads is militarily negligible when one or two could devastate the enemy. Their enormous destructive power similarly makes them of little military use. A particular piece of terrain contaminated by a weapon of mass destruction is as useless to the one who employs such a weapon as it is to the intended victim.

Landmines are different. They are tactical weapons, employed at the lowest level of warfare. They are designed to influence the outcome of small battles, not grand strategic objectives. They have a very high marginal utility -- the difference between 500 landmines and 1000 matters a great deal to a ground commander. And when properly employed, they do not render the battlefield useless since those who employ the weapons know their location but the enemy does not. Landmines are not weapons of mass destruction. And while realists could legitimately argue that efforts at the reduction of strategic weaponry could serve a greater end in the self-interest of a nation, a similar argument regarding landmines is not supportable. Thus the distinct military disadvantage that would result from renouncing the use of landmines not only

contradicts the realist notion of the maximization of military power, but also makes a substantive reconsideration of landmine policy a unique case in the history of US disarmament efforts.

Realists also draw a thick line between domestic and international politics. This line was widely considered to be rather blurry during the landmine debate. In the spring of 1996 President Clinton, vulnerable on the issue of his own military service and unwilling to be seen as endangering US ground forces in the interests of disarmament, was facing a reelection campaign. His opponent was Senator Robert Dole. Dole is a visibly wounded veteran of World War II who had long been a friend of the military during his years in the Senate and was never seen without his commemorative Silver Star ribbon on his lapel. It mattered little that Dole had previously supported legislative efforts at landmine restrictions.⁴ The President found himself in a political minefield of his own in early 1996 and he knew he had to tread lightly as the November election approached. He may have been helped by the fact that the most vocal proponents of a total ban on landmines, including Senator Patrick Leahy (D-VT) and the several disarmament special interests, were part of his political base. They would be unlikely to desert the President during the election even if he disappointed them on this particular issue. However, it appears that the shadow of domestic politics loomed large over the decision making process that led to the anti-personnel landmine policy.

In the early days of the landmine debate, when the issue was little more than rhetorical, it appeared that key foreign policymaking officials were sympathetic to the idea of a landmine ban. However, as the issue moved from concept to reality and the hard decisions and tradeoffs needed to be confronted, liberal rhetoric gave way to realist

notions of military security and state interests. Perhaps US foreign policy is a reflection of liberal ideals in the abstract, but gravitates toward a cooler realist calculus once the formulation of a particular policy commences. In any case, the rather unique nature of this particular issue makes its careful examination a worthwhile endeavor.

Second, the issue over anti-personnel landmines seems to contradict the assumption that with sufficient effort, special interest groups, the press, and public opinion can have a decisive influence on the policy making process.

The effort to influence the US to accede to a global ban on the manufacture and use of anti-personnel landmines was formidable. It was a diverse blend of special interest groups, humanitarian organizations, political and religious leaders from the US and around the world, former general officers and veterans of the US military, international celebrities, and the governments of US allies. Individually, they attempted to influence the US to join an international effort to renounce the use of anti-personnel landmines. Together, they staged a coordinated all-out effort to guide the policy process through the government and the media.

Bobby Muller of the Vietnam Veterans of America foundation headed the special interest group effort in the US. The International Campaign to Ban Landmines, headed by the American Williams, led the global effort to ban landmines and was awarded the Nobel Peace Prize in 1997. Additionally, the International Committee of the Red Cross, for only the second time in its history, broke its silence on a political issue and lobbied in favor of a global landmine ban.

Senator Leahy led the effort within the Congress, speaking out publicly in an effort to influence the US to join the global landmine ban and pushing legislation to that

effect through the Congress. In early March 1996, the President signed Leahy's amendment calling for a one-year moratorium on the use of anti-personnel landmines (to begin in 1999) and Leahy subsequently focused his efforts on leading the effort on Capitol Hill for a permanent ban. From outside the US, United Nations Secretary-General Boutros Boutros Ghali called for a global landmine ban as did Pope John Paul II.

The high water mark of the public effort to steer the policy-making process came when 14 retired general officers, including a former Chairman of the Joint Chiefs of Staff, a former Supreme Allied Commander in Europe, and Desert Storm Commander in Chief General Norman Schwarzkopf, signed an open letter to the President -- drafted by the Vietnam Veterans of America Foundation -- urging the president to lead the international effort for a landmine ban. The letter was published in the New York Times on April 3rd, 1996.

Throughout the early months of 1996, editorial pages of newspapers from across the United States called for the President to lead the effort in a global landmine ban. Additionally, two key NATO allies, the United Kingdom and Germany, renounced the use of landmines, making the issue more difficult to avoid in clearly military terms.

Could this incredible pressure in support of a particular policy have an impact? In their examination of US foreign economic policy, Ikenberry, Lake, and Mastanduno write of the society-centered model of policy-making, explaining it "in terms of the interests and capacities of groups or coalitions competing within the policy arena." They write that this pluralistic interest group approach has been the most prominent model of late, which views policy as the outcome of inter-group struggle.⁵ However, it can be

clearly seen that this was not the case in the anti-personnel landmine issue. Another explanation is required.

In spite of this incredible effort to influence the policy making process, the administration's policy, though artfully crafted, was well short of what the anti-landmine coalition wanted. Although the special interest group effort to influence the US policy on landmines could not have been stronger, quite clearly there were considerations in the policy making process that outweighed the desires of the special interest groups. Identifying these considerations, and attempting to understand what gave them a greater weight than the very public special interest arguments is worthy of a careful examination.

Finally, this particular case of foreign policy making can offer yet another valuable glimpse into the workings of the US foreign policy making bureaucracy. It should prove instructive to examine how the United States government arrived at this particular policy, not only in spite of the enormous societal pressure for a certain outcome, but also in light of the natural push and pull that characterizes the workings of the bureaucracy. The huge bureaucratic architecture that has been created to forge and impel US foreign policy is often thought of as a large monolithic being with almost human qualities, capable of behaving in a certain fashion in response to certain stimuli. Examining that entity, and determining how the behavior of the bureaucracy affected the policy outcome will perhaps help us better understand the larger question of how US foreign policy is made and how specific outcomes are created.

In his article "Bureaucratic Incrementalism, Crisis and Change in US Foreign Policy Toward Africa," Peter Schraeder offers a framework for examining the

circumstances under which continuity or change in foreign policy can be expected. Shraeder closely examines the correlation between conditions -- routine, crisis, and extended crisis -- and the locus of power in the foreign policy decision making process.

Ikenberry, Lake, and Mastanduno offer an alternative approach, writing that a "state-centered" model of American foreign policy making is re-emerging after a long period of the primacy of society-centered approaches. They add that "we have come to recognize the limited explanatory power of more traditional pluralist and Marxist approaches," and that the state has emerged as an important variable in the making of US foreign policy.⁶

Various other authors; John Spanier and Eric Uslaner, Graham Allison, James Rosenau, Roger Hillsman, and Morton Halperin, each provide somewhat different but equally provocative perspectives of how foreign policy decisions are made under various circumstances. Their work cannot be ignored in seeking explanations of how and why the administration arrived at the current policy on anti-personnel landmines.

Some Initial Impressions

Closely examining the history of the debate over US landmine use, and the eventual policy outcome it spurred, leaves a few distinct impressions about the making of American foreign policy that beg closer scrutiny.

First, it appears that contrary to the governmental politics model and other similar models of American foreign policy decision making, the policy making process is not a fair fight among equals, where competing interests battle one another on a level playing field over a finite set of issues and within an agreed-upon framework. Rather,

some sides of the issue simply have more power than do others and in many cases there is no way for the antagonists in the process to close that differential and gain the influence they desire. In this case, it was policy makers within the US government that had the power and the profusion of other actors could never muster the strength to gain the requisite amount of influence.

Similarly, various pluralist models that depict policy outcomes as a result of "mobocracy," where the loudest and best-organized special interest holds sway, seem to be an over-simplification of the policy process. The landmine issue is a clear case where the special interests lost, and there are specific reasons for that phenomenon that need to be more closely examined and explained.

Finally, it seems almost self-evident that policy is not so much made as it is accumulated. The policy making process is often depicted as an amalgamation of smaller initiatives -- careening through the vast US foreign policy making apparatus, eventually combining to form a final, and hopefully workable answer to a policy problem -- not a clear trajectory toward a coherent goal. However, the cohesion of the bureaucracy's position was not only a remarkable feature of this case, but had a definite affect on the final outcome of the policymaking process. That phenomenon warrants examination.

After the US policy on landmines was announced in May 1996, the landmine issue moved from page one of the nation's leading newspapers, to the end of the A section, and ultimately into history. However, the larger lessons that can be learned -- from how the issue was formed, how it was presented to policy makers and the public, and finally how the policy was created -- should be examined and whatever answers they

provide should be applied to the study of the formulation and conduct of American foreign policy at the close of the 20th century.

End Notes

¹ Raymond Bonner, "Pentagon Weighs Ending Opposition to a Ban on Mines," The New York Times, 17 March 1996, p.1.

² The White House, Office of the Press Secretary, "US Announces Anti-Personnel Landmine Policy," 16 May 1996.

³ Department of State, Office of International Security and Peacekeeping Operations, Hidden Killers: The Global Landmine Crisis (Washington, D.C., 1994), 53.

³ Kevin Fedarko, "Landmines: Cheap, Deadly, and Cruel," Time, 13 May 1996, 54-55.

⁵ G. Ikenberry, D. Lake, and M. Mastanudo, eds. "The State and American Foreign Economic Policy," International Organization 42. Winter 1988: 7-8.

⁶ *Ibid.*, 9.

Chapter One Background

Understanding the emotion and deep convictions that surround the issue of a permanent ban on anti-personnel landmines requires some appreciation for the unique place mines hold in the history of warfare. Few weapons have caused more suffering and engendered more terror in generations of foot soldiers and civilian victims of conflict than have the silent killers buried deep beneath the soil of the battlefield.

Similarly, understanding the mechanics of attempting to draft and implement a ban on landmines requires one to become familiar with the legal aspects of landmines as weapons. Those who support a total ban on anti-personnel landmines, as well as those who advocate their use, find justification for their positions under international law as derived from both treaty and custom.

Finally, a quick look at the recent history of international efforts to ban anti-personnel landmines is necessary to better understand how the issue made it from the meeting rooms of international conferences half a world away and onto the foreign policy agenda of the Clinton administration in early 1996.

A Short History of Landmines

Landmines have been a part of the texture of ground warfare for the past four centuries. Shortly after the French developed mobile siege weapons at the end of the fifteenth century, the explosive gunpowder mine appeared and has been with us, in one form or another, ever since.¹ Mines became a widely used instrument of tactical warfare in World War I and by World War II all the major powers had developed formal

doctrine for mine/counter-mine warfare. All combatants in World War II utilized landmines in the standard form that is common today, an encased explosive triggered by a fuse or a firing device. Such mines were designed to destroy combat vehicles and tanks (anti-armor mines) and to injure or kill personnel (anti-personnel mines).²

During the Korean War the tactics, techniques, and procedures for landmine use remained essentially unchanged from those in place during World War II. Due to their poor use by the North Korean Peoples Army, mines had little effect on UN forces during the breakout from the Pusan perimeter in late 1950. However, in the later drive north to the Yalu River, about 70% of UN tank losses were attributed to mines. All told, landmines accounted for 1.65% of Americans killed and 3.32% of those wounded during active combat in Korea from July 1950 through July 1953.³

It was during the Vietnam War that the US encountered a different face of mine warfare. The Viet Cong began to use the mine not only as a tactical weapon, but also as an instrument of terror against local populations. The landmine proved an effective weapon system for the Viet Cong as well as the Peoples Army of Vietnam, and estimates of US personnel killed by mines during active ground combat in Vietnam range from 16% to almost 30%. It has been reported that in the last half of 1968 alone, 57% of all casualties for the 1st Marine Division were due to landmines and booby-traps.⁴

Since the early 1970s, the increased survivability of armored vehicles along with technological advances in anti-armor missile systems have led to a shift away from the anti-armor mine in favor of a greater emphasis on the development of anti-personnel mines. Today, the variety of landmines around the world ranges from the crude ground-emplaced blast mines not unlike those used in World War II to sophisticated self-

detonating mines and scatterable mines capable of being delivered by artillery and aircraft.⁵ However, only the technology has changed. The essential nature of the landmine -- a dreadful weapon capable of killing or maiming with horrific speed and without warning -- affects the soldiers of today's battlefields as deeply as it did those of generations past.

Landmines Under International Law: Treaty

The question of the legality of landmines under international law is a complicated affair. As with most matters of law, truths are not absolute but rather are subject to the interpretation of jurists and scholars arguing on behalf of the interests they represent. Such is the case with landmines and international law. What is beyond question is that the use of landmines under international law is recognized under the primary sources of custom and treaty.

The only international agreement currently in force that specifically addresses the use of landmines in the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, usually referred to as the "Convention on Conventional Weapons" or "CCW".

The culmination of nine years work, the Convention on Conventional Weapons was adopted at Geneva on 10 October 1980 and entered into force on 2 December 1983.⁶ The Convention consists of a main text, which is the Convention proper, and three attached protocols.

Protocol I (The Protocol on Non-detectable Fragments) prohibits the use of weapons whose primary purpose is to injure with fragments that can escape detection by x-rays. Protocol II (The Landmine Protocol) specifically addresses the use and emplacement of landmines and booby-traps. Protocol III (Incendiary Weapons) prohibits air-delivered incendiary weapons against military targets located within concentrations of civilians. Protocols I through III were adopted in 1980, but under the provisions of the Convention additional protocols can be added at a later date.⁷

Protocol II codifies the principles of legal landmine use. First, it prohibits the "indiscriminate use" of landmines and completely prohibits the use of certain kinds of booby-traps and similar devices. Second, the Landmine Protocol imposes special restrictions on remotely delivered mines scattered by both artillery and aircraft. Protocol II does *not* prohibit the use of such weapons, but places certain constraints upon their employment. However, a series of loopholes within the original Protocol gave armed forces broad latitude in using scatterable mines while remaining within the letter and spirit of the Convention.⁸

Article 7 of The Protocol dictates that the location of pre-planned scatterable minefields must be recorded. This leaves open the possibility that scatterable minefields hastily emplaced in the heat of battle need not be recorded.⁹

Article 5 holds that remotely delivered minefields are not to be used unless their location can be recorded *or* the mines themselves are equipped with self-deactivating mechanisms. Additionally, while the military force employing the minefield is required to provide advanced warning of the emplacement of a remotely delivered minefield, this requirement can be unilaterally waived if the "circumstances do not permit."¹⁰

Those who favor a total ban on landmine use are critical of the Convention in general and Protocol II in specific. In his book The Technology of Killing, Eric Prokosch sums up the effectiveness of the Landmine Protocol rather succinctly:

On the whole, Protocol II gives the impression of having been written to satisfy the needs of military forces, which may later have to occupy a mined area, rather than to protect civilians.¹¹

Not surprisingly, those who advocate the use of landmines hold the CCW and Protocol II in somewhat higher regard. In its most extensive publication on the subject of landmines, Hidden Killers: The Global Landmine Crisis, the State Department asserts that Protocol II “established a new balance between the military need to continue using [landmines] and the humanitarian need to prevent their misuse.”¹²

Of course, each interpretation of the strength of the Convention on Conventional Weapons depends solely upon the manner in which it is viewed. Those who see the CCW as a watchdog without teeth emphasize its permissive nature, as evidenced by the existence of such language as “pre-planned minefields” and “unless circumstances do not permit” which seem to allow virtually unfettered landmine use. Those who support the Convention as written view it as a restrictive document that allows the use of landmines and other similar weapons only under certain circumstances. In Hidden Killers, the State Department articulates its view of the legal nature of the CCW:

Although one of the CCW’s avowed long-term objectives is to put and end to the production, stockpiling, and proliferation of landmines, its intermediate step of more strictly regulation their use implicitly acknowledges the fact that landmines continue to have legitimate military utility. Their use, however, is no longer relatively unconstrained. The balance the CCW strikes between these two concerns is really nothing more than the establishment of rules of responsible military conduct.¹³

Graham Allison's old saw, "where you stand depends upon where you sit" aptly applies to the various legal interpretations of the Convention on Conventional Weapons regarding landmine use. Those who dream of a total and permanent ban on landmines see the Convention as an anemic response to a pervasive global humanitarian crisis. Those who are disinclined to expunge landmines from their arsenals see the Convention as a reasonable establishment of rules for responsible landmine use, and perhaps as a parchment barrier against those who argue that landmines are barbaric weapons whose military utility is far outweighed by their human toll.

Landmines Under International Law: Custom

It is clear that landmines are not prohibited under international law as derived from treaty. Indeed the only multilateral treaty in force specifically governing landmines, while placing restrictions on their use, fails to ban their use outright. Those in search of evidence of the illegality of landmines are thus forced to look past the irrefutable ink and paper of treaties to find a bit more satisfaction in the more interpretive realm of customary international law.

Writing in the ILSA Journal of International and Comparative Law, Luke T. Lee seems to speak for the majority of those who think landmines illegal in offering the following interpretation of landmines under customary international law:

Customary international law forbids the use of weapons which cause unnecessary suffering and are indiscriminate as between military and civilian objects and personnel. Also forming part of customary international law is the principle of proportionality, under which the use of weapons whose damaging effects are disproportionate to their military purposes is prohibited. These rules are legally binding on all States, whether or not they are parties to any treaties regulating the use of such weapons.¹⁴

Lee's interpretation of the law seems to flow from the basic laws of land warfare concluded at The Hague in 1907 which were codified in treaty but which he believes have, in the 92 years since, become custom. Commonly referred to as The Hague Regulations, this cornerstone of international law concerning the behavior of warring parties dictates that the right of belligerents to adopt means of injuring the enemy is not unlimited and employing arms, projectiles, or material calculated to cause unnecessary suffering is forbidden.¹⁵ Lee's view of The Hague Regulations as custom is an important distinction. Laws governed by treaty bind only the high contracting parties to its provisions -- laws based in custom apply universally to all states. Therefore, his broad interpretation of the principles set forth by The Hague Regulations applies them reflexively to all members of the international community.

An even broader interpretation of the illegality of antipersonnel landmines under customary international law is offered by The Arms Project of Human Rights Watch. Not only do they view such weapons as a violation of customary international law due to their effect on humans, but also because of their effect on the environment as well. Writing in Shawn Roberts' and Jody William's book After the Guns Fell Silent, the Arms Project asserts:

Although international laws enacted to safeguard the environment have not yet achieved customary law status, they are becoming increasingly accepted internationally. Landmine use is problematic with respect to humanitarian laws protecting the environment under at least two rules codified in Protocol I [of the Conventional Warfare Convention]: Article 35(3) proscribes means of warfare which "are intended or may be expected to cause widespread, long-term and severe damage to the natural environment," Article 55(1) prohibits means of warfare that "are intended or may be expected to cause damage to the natural environment and thereby to prejudice the health or survival of the population."¹⁶

This particular argument finds strength in the assertion that the indiscriminant use of non-self-destructing landmines, which remain active long after their military purpose has passed, prevents indigenous populations from utilizing their land for agriculture thus depriving them of sustenance and economic benefit.

Like those who see landmines as fundamentally contrary to customary international law, the United States Government also looks to the law in justifying their use. The State Department offers its interpretation of customary international law regarding landmines:

Under the customary law of war, either embodied in international treaties [*sic*] or established by practice, landmines have generally been regulated, if at all, by the basic principles applicable to all other weapons. The first, and perhaps most important, principle is that landmines are not prohibited by international law. Certain weapons are prohibited by international law because they cause unnecessary suffering, are indiscriminate per se (such as introducing poison into an enemy's water supply), or are specifically outlawed by international conventions (such as dum-dum bullets). As currently defined, none of these categories includes landmines.

Although they are not unlawful in themselves, landmines, like other weapons, can be used unlawfully. Specifically targeting civilians or employing weapons indiscriminately or without regard to disproportionate civilian casualties are examples of such unlawful use.¹⁷

The US argument in favor of landmine use is strengthened by the restrictive policies that govern US mine operations. American military regulations on landmine use and minefield marking were written in accordance with the Geneva Convention, NATO standardization agreements (STANAGS) and the Convention on Conventional Weapons.¹⁸

According to US Army regulation (which is punitive in nature), hand-emplaced minefields constructed by US and allied forces must be encompassed by a perimeter fence of barbed wire and posted with warning signs to prevent friendly fire casualties as

well as to facilitate post-combat clearance. The exact location, dimensions, and density of the minefield are recorded and shared with allied military units.¹⁹ Unless it is absolutely impossible to do so, deliberate minefields are under the constant surveillance of the military unit that emplaced it and which remains responsible for its eventual clearance.

Because scatterable minefields are launched from a distance by aircraft or artillery and cannot be as meticulously marked, the US military uses only mines with self-destruct or self-deactivate mechanisms for such operations in accordance with the CCW. These mines are either manufactured or programmed to deactivate (depending upon the model) after periods of 4 hours, 48 hours, 5 days, or 15 days. Additionally, mines that deploy incorrectly (upside down or at an odd angle) automatically deactivate after a few minutes. Once these scatterable mines have deactivated, they are no longer a threat, and anyone -- soldier and civilian alike -- can safely traverse the area that was previously mined.²⁰

Because hand-emplaced deliberate minefields are restricted to the confines of the battlefield and clearly marked to prevent accidental detonations and to facilitate post-combat clearance, the argument that mines violate the principle of proportionality is weakened. An enemy force can choose to bypass a clearly marked minefield and avoid mine casualties altogether. And while it is true that mines cannot distinguish between military and civilian personnel, clearly marked minefields give non-combatants sufficient notice of their presence.

Similarly, the argument that mines forever deny the environment to those who must work the land for food and profit long after the battle is over is obviated by the use

of mines that destroy themselves anywhere from 4 hours to 15 days after they touch the ground.

For those who rely on customary international law to support a permanent global landmine ban, landmines are inherently illegal because of their destructive properties. On the contrary, the US government and others who support the appropriate use of landmines in conflict offer that landmines are legal weapons of war when properly employed, but acknowledge that they can be rendered illegal by the means in which they are used. The US argues that it is not the use of landmines that has created a global crisis, but rather the haphazard and irresponsible *misuse* of landmines that has laid waste to acres of land and caused untold human suffering. In Hidden Killers, the State Department defends its policy by writing:

The indiscriminate use of landmines is the real threat the world faces today. The United States sets the standard for responsible use of munitions and encourages other countries to follow its example. US hand-emplaced mines that do not have a self-destruct mechanism are placed only in areas that are closely monitored. US scatterable mines, which are difficult to monitor, employ a self-destruct mechanism. US conventional munitions are constantly being improved to prevent the occurrence of post-combat unexploded ordnance.²¹

United States policy makers therefore assert that US landmine use conforms to the broad strictures of the law as it is widely interpreted because the weapons themselves are not prohibited by treaty, and the manner in which the US employs them does not violate customary international law.

A quick glance at the history of international efforts to limit, restrict, or even prohibit the use of certain categories of conventional weapons reveals an interesting trend. Earlier international treaties on conventional weapons, like the 1868 St. Petersburg Declaration prohibiting the use of projectiles under 400 grams weight, The

1899 Hague Declaration on dum-dum bullets, The 1907 Hague Regulations, and the 1925 Geneva Protocol on poison gas use, were designed to make warfare more humane for the combatants involved -- albeit a somewhat absurd proposition. More recent efforts to curtail the use of certain conventional weapons, the 1980 Convention on Conventional Weapons being a prime example, seem equally if not more concerned with ameliorating the effects of such weapons on civilian populations. The most ambitious views of conventional weapons control, like those put forth by The Arms Project of Human Rights Watch, even attempt to interpret international law to account for the effect of weaponry on the natural environment.

Perhaps this reflects a change in warfare itself -- the transition from a gentlemanly pursuit confined to fields of battle far from towns and villages to the age of total war ushered in by World War I, where civilian population centers are subject to collateral damage or direct targeting. Or perhaps it is evidence of the confluence between an increased ability of international law and organizations to affect change in the world and a genuine desire to reduce the agony of those who find themselves in the war-torn corners of a chaotic and often brutal global environment.

In either case, the focus of conventional arms control efforts under international law has expanded over time to include not only the soldiers who fight the wars, but also the non-combatants who are forced to deal with the residual effects of their efforts. This is the heart of the contemporary effort to enact a total and permanent ban on anti-personnel landmines.

A Short History of Recent Attempts at a Global Landmine Ban

The modern effort to ban certain categories of anti-personnel weapons, and specifically landmines, came of age during the Vietnam War. Having witnessed the effects of such weapons and the agony they caused on soldiers and non-combatants alike, in 1973 several nations -- led by Sweden and the International Committee of the Red Cross (ICRC) -- convened a working group to explore the possibility of restricting or banning anti-personnel weapons. Although the effort went nowhere, due in part to the non-participation of the United States, at the very least the issue was kept alive.²²

A year later, a Conference of Government Experts opened at Lucerne to revisit the issue of anti-personnel weapons once again. Forty-nine countries, including the US, were represented as were six national liberation movements. The conference opened with a proposal by Sweden and six other countries that would ban many of the anti-personnel weapons used in Vietnam including cluster bombs, flechette rounds, aircraft launched scatterable mines, and incendiary weapons. The Swedish proposal was rooted in the opinion that such weapons were either cruel or indiscriminate and thus in violation of international law.²³

The 1974 conference eventually lost steam as well. The participants who had the most direct experience with the brutal effects of such weapons were reluctant to tell their stories, and others were not so very interested in banning weapons which they would gladly add to their own arsenals if they had the means to do so. Upon closing the conference, its president could only say that it "contributed to an increase in knowledge and understanding of the subject" and that a second conference could be considered appropriate.²⁴

The second Conference of Government Experts convened at Lugano in 1976. It opened in a changed environment. The Vietnam War had ended, the United Kingdom was working on a parallel initiative to govern the marking of minefields, and the Swedes had additional co-sponsors for their proposals. The Lugano Conference concluded with three proposals that were beginning to gather some momentum. One was a ban on the use of weapons whose fragments could not be detected by normal medical examination such as x-rays. A second was a protocol governing the marking of minefield locations and restrictions on the use of scatterable mines. The third was an agreement on incendiary weapons to prevent their use in cases where civilian injuries might occur unless suitable precautions could be taken.²⁵

A series of international meetings followed the Lugano Conference and finally, the United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects met in Geneva in 1979 and 1980. The result was the 1980 Convention on Conventional Weapons with its three protocols. The 1980 Convention rests upon two fundamental principles of international law regarding warfare: that weapons causing superfluous injury or unnecessary suffering are prohibited, as are indiscriminant weapons whose adverse affects on non-combatants cannot be reasonably controlled.²⁶

In 1993, the UN General Assembly prompted a Review Conference of CCW States Parties in an attempt to strengthen the provisions of the CCW that relate directly to landmines and to consider tightening some of the loopholes of the original Convention. The Review Conference convened in September 1995.²⁷

It is at this point that the global effort to ban landmines converged with the effort within the United States to get the US government to accede to a global ban. The deployment of NATO troops to Bosnia in late 1995 carried the issue of landmines from an issue for farmers in underdeveloped nations to a very real danger to US soldiers. Then-UN Ambassador Madeline Albright expressed her desire to see landmine use ended in the near future. And the surfeit of anti-landmine special interests in the US finally saw the opportunity to elevate their cause to the level of a national discussion. In late 1995 and early 1996, US policy makers found themselves under enormous pressure to send the US delegation to the CCW Review Conference viewing anti-personnel landmines under a different light.

End Notes

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² Department of State, Office of International Security and Peacekeeping Operations, Hidden Killers: The Global Landmine Crisis (Washington, DC, 1994), 3-5.

³ Ibid., 6.

⁴ Ibid., 7.

⁵ Ibid.

⁶ Department of State, Treaty Affairs Staff, Treaties in Force (Washington, DC, August 1997), 454.

⁷ Eric Prokosch, The Technology of Killing: A Military and Political History of Anti-personnel Weapons (London: Zed Books, 1995), 160-162.

⁸ Ibid., 162.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Department of State, Hidden Killers, 56.

¹³ Ibid.

¹⁴ Luke T. Lee, "International Law and Antipersonnel Landmines," ILSA Journal of International and Comparative Law 2 (Summer 1996): 621-627.

¹⁵ Burns Weston et al., eds., Basic Documents in International Law and World Order (St. Paul: West Publishing Company, 1990), 133.

¹⁶ Shawn Roberts and Jody Williams, After the Guns Fell Silent: The Enduring Legacy of Landmines (Washington, DC: Vietnam Veterans of America Foundation, 1995), 491.

¹⁷ Department of State, Hidden Killers, 55.

¹⁸ Ibid., 53.

¹⁹ Ibid.

²⁰ Ibid., 54.

²¹ Ibid., 8.

²² Prokosch, The Technology of Killing, 148.

²³ Ibid., 149-150.

²⁴ Ibid., 155.

²⁵ Ibid., 160.

²⁶ Ibid., 160, 164-165.

²⁷ "Our Planet Must be Undermined," UN Chronicle, 22 December 1997, 2.

Chapter Two

What Happened in the Landmine Debate

At precisely 11:00 a.m. on September 26th, 1994, President Bill Clinton strode to the podium in the hall of the United Nations General Assembly. It was the second time Clinton had spoken to the General Assembly, and in the autumn of his administration's second year the President and his foreign policy team had just begun hitting their stride. The energy they brought to every foreign policy issue seemed almost boundless. The assembled delegates listened closely to the young American President as he spoke eloquently of the dangers of post-Cold War era and quoted from the menu of liberal prescriptions for the world's many ills.

About halfway through his address, the President shifted his attention to discussing weapons of mass destruction and extolled the leadership of the US in reducing the possibility that such technology would fall into the hands of those more inclined to put it to use than were the nuclear powers of the Cold War era. After mentioning America's non-proliferation agenda and its desire to ban nuclear testing and extend the Nuclear Non-Proliferation Treaty, the subject turned to landmines:

And today I am proposing a first step toward the eventual elimination of a less visible but still deadly threat: the world's 85 million anti-personnel landmines, one for every 50 people on the face of the earth. I ask all nations to join with us and conclude an agreement to reduce the number and availability of those mines. Ridding the world of those often hidden weapons will help to save the lives of tens of thousands of men and women and innocent children in the years to come.¹

Clinton's scant eighty-eight words on anti-personnel landmines were remarkable for three distinct reasons. First, the President was suggesting that the US join in ridding

the world of a conventional weapon currently in use by US forces. Unlike other conventional weapons that had been banned or were being considered for future prohibition, like plastic munitions or blinding laser weapons, the US actually used anti-personnel landmines in conflicts past and had included them in plans for future wars.

Second, the President was advocating the elimination of a weapon that actually worked. Self-congratulatory rhetoric aside, renouncing the use of chemical and biological weapons is rather a small sacrifice. Their use is potentially as dangerous to those employing the weapon as it is to the intended target, and their eventual effects are difficult to predict. The military utility of chemical and biological weapons is prohibitively limited by their erratic and unpredictable nature. Landmines, however, are simple, efficient, and an effective force multiplier for US ground forces in military operations.

Finally, and most significantly, in one short paragraph the President placed the subject of eliminating anti-personnel landmines on the foreign policy agenda. His words seemed earnest and simple enough at the time, and they fit nicely in a stirring and well-received speech. However, dealing with this particular foreign policy issue would prove to be anything but simple and would eventually occupy the time of a significant portion of the US foreign policy apparatus for the next 20 months.

The Landmine Ban Effort in the US: From Its Inception Through the Fall of 1994

Bobby Muller had good reason to cheer Clinton's UN speech in the fall of 1994. Muller, the Executive Director of the Vietnam Veterans of America (VVA), had been

doing yeoman's work in the United States as part of an international campaign to rid the world of anti-personnel landmines.²

In 1991, the VVA began a prosthetics program in Cambodia after hearing that it most likely had the world's most disabled population due in large measure to traumatic amputations caused by anti-personnel landmines. Muller explains how this simple humanitarian project took on new life in the early 1990s:

Having set up our program in '91, we moved from a basic intellectual awareness that there was a problem with landmines to a deep emotional commitment to the victims of this weapon. It was driven home to us by the literally thousands of patients, now, that we put artificial legs on and provided wheel chairs, how devastating this weapon -- landmines -- has been.³

Although driven by high purpose and diligent in their efforts, the campaign within the US to ban landmines had little to show for its efforts at the time of Clinton's 1994 UN speech. The only international treaty addressing the use of anti-personnel landmines was the 1980 Convention on Conventional Weapons (CCW). Although the Convention's Protocol II placed limits on the employment of landmines in combat operations, it contained significant loopholes that made it little more than a paper tiger. Protocol II was entered in to force in late 1983, but as of 1994 the CCW had yet to be submitted to the Senate for ratification and entry into force for the United States.⁴

In 1992, Muller and the VVA realized they needed to establish a foothold within the US government to help further their efforts to ban anti-personnel landmines. Bobby Muller approached Senator Patrick Leahy (D-VT) and Representative Lane Evans (D-IL) and said, "Gentlemen, we need your support. We can continue to provide rehabilitation to the victims, but the scope of this problem is beyond our ability to simply continue to be on the tail end applying the relief. We need to go to the source."⁵

Leahy, the four-term Senator from Montpelier, was a willing confederate of the anti-landmine campaign. He and his wife (a practicing nurse) had been deeply moved by the devastation wrought by landmines that they had observed during their travels around the world, and he was more than willing to lend his stature within the Senate to help Muller in his efforts. Leahy later explained his dedication to the anti-landmine crusade to his wife:

When I leave the Senate, if I do nothing other than awaken other Senators to the problems of landmines, if I do nothing than to get our country on the road where they can take the lead in doing away with landmines, I feel that all the time I spent into (*sic*) the Senate is well worth it.⁶

Upon being co-opted by Bobby Muller and the VVA, Senator Leahy immediately began introducing bills in the Senate to curtail American anti-personnel landmine use within the US with an eye toward their eventual elimination from the US arsenal.⁷

On 30 July 1992, Leahy introduced a bill to impose a one-year moratorium on the sale, transfer, or export of anti-personnel landmines abroad. His bill had 34 cosponsors: 30 Democrats and 4 Republicans. The bill was referred to the Senate Foreign Relations Committee but ultimately was never enacted.⁸ However, Leahy did succeed in attaching such a moratorium to the 1993 Defense Authorization Bill. President Bush signed the bill with the Leahy amendment, marking the first real step in support of the ban effort within the US government.⁹

Leahy followed this modest success a year later with the Landmine Moratorium Extension Act of 1993. Designed to extend the previous moratorium for three years, Leahy was able to gather more cosponsors for this particular legislative effort: 57 in all, 13 of whom were Republicans. This Act also included some language that did not exist

in his original bill. Whereas the first bill called for limiting the use of anti-personnel landmines, the 1993 Act declared that it should be US policy to *terminate* the manufacture, possession, and use of anti-personnel landmines (emphasis added). It also called upon the Administration to submit the Convention on Conventional Weapons to the Senate for ratification.¹⁰ The Act was referred to committee on 2 July 1993 and although it was never enacted, Leahy did succeed in getting approval for the three year extension he sought.

Leahy's third and most ambitious legislative endeavor was launched in June 1994, four months before Clinton's speech to the UN. The Landmine Production Moratorium Act went well beyond the bills he had introduced earlier. Much like his 1993 effort, this particular bill addressed the manufacture of landmines as well, placing a one-year moratorium not only on the transfer of anti-personnel landmines but also on their production. But this bill transcended the issue of US conduct alone and attempted to place the US in a leadership role in the global landmine ban effort. His bill "expressed the sense of the Congress" that the President should actively seek an international agreement banning the production, use and transfer of anti-personnel landmines and in the interim, seek an international agreement severely curtailing landmine production and use. As was the case with his first two bills, Leahy's 1994 bill was never enacted.¹¹

Although the legislative effort fell somewhat short of what Senator Leahy or the landmine ban interests in the US truly wanted, it was about as much as they could expect at the time. There were small achievements, like the 1992 moratorium and its subsequent extension, but the larger victories would have to wait. However, if Leahy and others succeeded in nothing else, by the time President Clinton took the podium in

the UN General Assembly hall in 1994, they had raised the issue of anti-personnel landmines to a new level and were steadily bringing their message to an increasing number of people who could help them in their cause.

Clinton's UN speech represented the first major milestone in the landmine debate in the United States. It placed the subject of a ban on anti-personnel landmines on the foreign policy agenda. It gave a much-needed shot in the arm to the burgeoning efforts within the US to realize the goal of a total ban. And, as the most significant but probably most unintended consequence, by his words the President set the stage for the inevitable clash between the humane ideals of an important arms control effort and the very real cost of expunging a valuable and time-honored weapon from America's conventional weapons arsenal.

Early to Mid 1995: The Debate Takes Shape

Since the adoption of the Convention on Conventional Weapons in 1980, there had been no formal review conference to bring it up to date or to address its many shortcomings. Under pressure from the International Campaign to Ban Landmines, The International Committee of the Red Cross, and a group in France called Handicap International, in 1993 The French Government requested the UN Secretary-General to convene a formal review conference for the Convention.¹² The first review conference on the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or Have Indiscriminate Effects was slated for September 25th-October 13th, 1995 in Vienna. There is little doubt that this conference was not only seen as the opportunity to close some of the loopholes

of Protocol II but also to set the process in motion for a total ban on landmines altogether. For its part, the State Department spent early 1995 gathering information and staking out the position the US would take at the talks.

In January 1995, the State Department released a sizable report titled Hidden Killers: The Global Landmine Crisis. Secretary of State Warren Christopher introduced the book at a short news conference where he drew attention to the President's remarks at the UN and highlighted some of the US efforts to ameliorate the suffering caused by landmines around the world. The Secretary acknowledged the work of Senator Leahy and Representative Evans and thanked them for keeping "the world's attention focused on this global problem."¹³

Christopher's remarks on the subject of landmines were uncharacteristically blunt and he referred to landmines by a semantic device that had become popular in the lexicon of the anti-landmine campaign, calling them "slow-motion" weapons of mass destruction:

Around the world, mines strewn in farmlands and paddyfields, in schoolyards and on country roads make entire communities uninhabitable. They drive people from their land. They keep refugees from returning home.

The United States will continue to work with other governments, with the UN, and with private relief organizations to solve the landmine problem. We know that this is an immense challenge, but we will meet that challenge because we also know that ridding the world of these hidden killers will save tens of thousands of lives in the years to come.¹⁴

Well-researched and succinctly written, Hidden Killers represented the first substantive government publication of any kind on the subject of anti-personnel landmines from the Clinton administration. However, the Secretary's promulgations notwithstanding, those who hoped to find in its pages a renunciation of landmine use or a fundamental change in US policy would be sorely disappointed. For while Hidden

Killers lamented the problems that landmines have visited upon the world, it also established the foreign policy bureaucracy's position that the US was not a part of that problem by stating, "The *indiscriminate* use of landmines is the *real* threat the world faces today. The United States sets the standard for responsible use of munitions and encourages other countries to follow its example."(emphasis added)¹⁵

The release of Hidden Killers was an important event for two reasons. First, as Sarah Walkling, a senior researcher at the Arms Control Association and an expert on the landmine issue says, it showed that the State Department was well ahead of the curve in taking a thoughtful look at US anti-personnel landmine policy.¹⁶ While others would have the opportunity to differ with State's position, it could not be said that the bureaucracy was sitting idly by and letting the special interests frame the debate for them.

More importantly, Hidden Killers made the distance between the landmine ban interests and the foreign policy bureaucracy abundantly clear. The campaign within the US to ban landmines witnessed the agony caused by landmines around the world and saw a complete ban on their manufacture and use as the only viable remedy to the problem. Hidden Killers made it clear that while the State Department agreed with the anti-landmine interests on the magnitude of the problem, it did not consider the US a contributor to that problem and, indeed, asserted that responsible US landmine use set a sterling example for other nations to follow. In spite of the fact that Secretary Christopher opened his news conference by publicly thanking Senator Leahy for his leadership on the landmine issue, the State Department's authors took a swipe at Leahy's export moratorium efforts in their chapter on international law and current US practice:

Given the United States' minor role as an international exporter of A/P landmines, the moratorium will have little if any practical impact on their continued use. This points out an important fact: in the case of landmines, principle becomes practical only when all landmine exporting nations unite to deny such weapons to irresponsible states or when the only landmines available in the international arms market are "responsible" ones. The United States is currently leading efforts on both fronts.¹⁷

Once Hidden Killers hit the streets, it became self-evident that soaring rhetoric from Foggy Bottom aside, the landmine ban interests and the foreign policy bureaucracy were not singing from the same hymnal.

A month later, the State Department issued a fact sheet on US initiatives for demining and landmine control, announcing that "addressing the horrible toll in innocent civilian casualties caused by the irresponsible and indiscriminate use of anti-personnel landmines is a high priority of the Administration." The fact sheet inaugurated the four-track US strategy for addressing the global landmine problem: US-led demining initiatives in the world's most mine-laden countries; US efforts to strengthen the Convention on Conventional Weapons, which by that time had finally been transmitted to the Senate for ratification; moratoria on landmine transfers; and US leadership in developing an international anti-personnel landmine control regime.¹⁸

The State Department fact sheet also established the Administration's thinking on how quickly it intended to move on the issue by stating, "The ultimate goal is the eventual elimination of anti-personnel landmines. We can move most effectively toward that goal as viable and humane alternatives are developed. As a first step, the control regime would impose restrictions on the production, stockpiling, and transfer of anti-personnel landmines"¹⁹

In the summer of 1995, Senator Leahy drafted and introduced a fourth bill designed to impose a unilateral moratorium on the use of anti-personnel landmines. In some ways the 1995 bill was more modest than previous proposals -- it included a stipulation that under certain circumstances the US could employ anti-personnel landmines. However, for the first time the bill provided for sanctions against foreign governments that export anti-personnel landmines (although that too was waivable in the event of an emergency that makes it in the interest of the United States to allow the transfer of such weapons.) In a wonderful ironic twist, Leahy incorporated the State Department's own language in his legislation by characterizing it as "A bill to support proposals to implement the United States goal of eventually eliminating anti-personnel landmines."²⁰

An almost identical bill was introduced in the House by Representative Evans. As Senate and House members were considering both bills in conference committee, the Pentagon seized the opportunity to toss its hat into the landmine fray, specifically addressing the moratorium efforts in Congress. The Chairman of the Joint Chiefs of Staff, General John Shalikashvili, sent a long letter to members of the House National Security Committee weighing in with the military's objection to the landmine moratorium. According to Senator Leahy, this was part of a "very, very strong effort by the Pentagon [on] the House members not to accept it."²¹

A subsequent editorial in the Boston Globe titled "Obstinacy at the Pentagon" called Shalikashvili's letter "polite but myopic." According to the Globe, the Chairman took issue with "legislation that would effectively prohibit the use of all self-destructing mine systems because they employ a combination of antitank and antipersonnel mines."

However, the editorial was quick to point out that Leahy's legislation would prohibit neither antitank nor remotely triggered claymore mines.²² Although the facts may have been in dispute at the time, Shalikashvili's letter made it clear that the military was watching the anti-landmine effort on the Hill and was not about to start down the road to an eventual ban without a fight.

By the end of the summer of 1995, the position of the foreign policy bureaucracy on the issue of anti-personnel landmines was becoming rather apparent. First, the Administration clearly recognized the problem caused by the 80 million anti-personnel landmines strewn about the world, and considered addressing the problem a high foreign policy priority. Second, it held that the use of anti-personnel landmines was fully legal under international law and the responsible use of such weapons was not a proximate cause of the global landmine crisis. Third, the military was disinclined to give much ground on the landmine issue at all and would resist efforts at even modest steps like moratoria. And finally, while the US was willing to take a leadership role in the international diplomatic effort to curtail the indiscriminate use of landmines and would lead in global demining efforts, the foreign policy establishment had absolutely no interest in unilaterally forswearing the manufacture and use of anti-personnel landmines in the foreseeable future.

The Autumn of 1995: The Ban Effort Gains Momentum

As the September opening of the 1st CCW review conference neared, the issue of anti-personnel landmines gained more visibility in the media and the ban effort began to gain some momentum outside the US government.

A remarkably prescient editorial appeared in the 17 August edition of the Los Angeles Times. While allowing that the review conference was a good opportunity to strengthen the CCW, it stated that achieving a full ban on anti-personnel landmines seemed unrealistic due to objections by military officials from the US and other nations. The LA Times editorial offered a list of more practical interim steps -- applying the Protocol II mine restrictions to civil as well as interstate wars, banning metal-free non-detectable mines, and requiring remotely scattered minefields to contain only self-destructing mines -- that seemed palatable to the US government given current policy. Although the editorial was nothing close to a call to ban mines, it nonetheless represented the beginning of a public airing of the landmine debate in the Nation's major newspapers.

Four days before the opening of the Vienna conference, Bobby Muller held a news conference in Washington D.C. announcing the publication of After the Guns Fell Silent, an impressive 550 page book on the global landmine problem published by the VVA. Muller shared the podium with Senator Leahy and Representative Evans as well as the report's two co-authors; Jody Williams of the International Campaign to Ban Landmines and Shawn Roberts of the VVA; and a man named Ken Rutherford, who was injured by a landmine doing humanitarian work in Somalia who recounted his tragic story to the rapt audience. After the Guns contained an impressive quantity of data taken from 100,000 personal interviews with people in six mine-infested countries around the world, and focused specifically on the socio-economic impact of anti-personnel landmines.

Whereas Hidden Killers codified the State Department's view of the global landmine crisis, After the Guns was designed to be the bible for the landmine ban effort within the United States. Its authors concluded that while landmines unquestionably served a viable military purpose, the destructive power they possess long after a given conflict has ceased renders them disproportionately cruel:

They are a weapon of mass destruction, but a weapon which takes its toll in slow motion. And when you look to the overall impact of the weapon which we've documented in this report today, the humanitarian toll far exceeds any potential military benefit. And therefore, it ought to be outlawed as a weapon.²³

On 24 September, the original 1980 Convention on Conventional Weapons was officially entered into force for the United States.²⁴ The next day, the first review conference for the Convention opened in Vienna.

As stated in their February pronouncement of US demining initiatives, one of the pillars of the four-track US strategy to address the landmine crisis was to lead the international diplomatic effort to strengthen the Convention, and the delegates to the review conference carried specific US proposals to Vienna with them. The State Department publicly issued its proposals in a September 25th fact sheet:

US Proposals for the CCW Review Conference

- ☒ An expansion of Protocol II to include internal armed conflicts.
- ☒ A requirement that all remotely delivered mines have a self-destruct mechanism.
- ☒ A requirement that all landmines be detectable by commonly used detection capabilities
- ☒ A requirement that the party laying the mines be responsible for clearing them or continually monitor them after the "cessation of active hostilities."

- ☑ The addition of a verification mechanism to ensure compliance with the Landmines Protocol of the CCW.
- ☑ The addition of a formal mechanism for ensuring more frequent consideration of improvements and changes to Protocol II.

Source: Department of State, "Fact Sheet: US Proposals to Improve the Landmine Protocol of the Convention on Conventional Weapons," US State Department Dispatch (Washington, DC, September 25, 1995), 72.

These proposals demonstrated that while the US government was willing to put forth an honest effort to strengthen the Landmines Protocol of the CCW, consideration of a total ban on landmine use and production was effectively off the table for the US.

The Vienna conference concluded with some agreement on the many issues involved in strengthening the CCW, but many of the states took issue with the requirements for detectability and self-destruct/self-deactivate mechanisms on mines -- primarily because the technology that makes those features possible is expensive. There was also no agreement on the call for a meaningful compliance mechanism for the CCW. A one-week conference to work out those technical issues was scheduled for January 1996, followed by a two-week conference to conclude revision of the Protocol to be held the following April-May in Geneva.²⁵

On the 22nd of October, President Clinton gave his third annual speech to the UN General Assembly. This time, his remarks on landmines paled in comparison to what he had to offer just one year earlier. Rather than mentioning anti-personnel landmines in their own right, the President gave the subject notably short mention. What had been called one of his Administration's highest priorities got tagged at the end of a verbal riff on weapons of mass destruction; "We should strengthen the Biological Weapons Convention, pass the comprehensive test-ban treaty next year, and ultimately eliminate

the deadly scourge of landmines.”²⁶ No powerful rhetoric, no specific initiatives, and no indication that the US was willing to realize its goal of “eventually” wiping landmines from the face of the earth anytime soon.

Sarah Walkling observes that the marked difference between Clinton’s 1994 and 1995 speeches probably reflects the natural toning down that occurs when a policymaker is forced to move from a general concept to its implementation.²⁷ But Clinton’s more circumspect 1995 remarks on landmines indicate something deeper. The President appeared to be showing an increased level of sensitivity for the divergent goals of the landmine ban interests -- who he seemed inclined to court a year earlier -- and his own State Department and uniformed military who were holding fast against the pressure at the time and who he was loath to alienate.

By the winter of 1995 the effort within the US to ban anti-personnel landmines had achieved some limited success within the government, thanks in large measure to the work of Senator Leahy. However, it was in the arena of public awareness where the campaign began to show some real traction. A series of events in the following months would illuminate the issue even more, and the landmine ban effort would prove itself worthy opponents of the foreign policy bureaucracy on the more level playing fields of the press and public opinion.

December 1995 - March 1996: A Single Bureaucracy Speaking With Many Voices

If the campaign to ban landmines had any hope that getting the US government to accede to a permanent landmine ban was even in the realm of the possible, the events of the winter of 1995-96 did little to bridle their enthusiasm. For a variety of reasons, the

foreign policy establishment that had so stridently opposed brooking any discussion of a unilateral landmine ban began to send some very mixed signals.

In December of 1995, US troops were sent to Bosnia as part of the NATO implementation force called for in the Dayton peace accords. The Bosnian landscape was a prime example of the humanitarian and socioeconomic havoc wrought by mines left buried at the close of hostilities. Military planners and ground commanders fretted publicly about the threat to US troops posed by the hundreds of thousands of mines lurking under the frozen Balkan soil. The US deployment of troops to Bosnia carried the issue of anti-personnel landmines from a problem affecting farmers in underdeveloped countries and lay it squarely in the lap of the US military, and attitudes within the Pentagon began to change.

In January 1996, President Clinton traveled to Bosnia to visit US troops on the ground. A select party of lawmakers and policymakers, including Senator Chuck Robb (D-VA) and General Shalikashvili, traveled with the President. As members of the delegation sipped their drinks on the plane, Senator Robb shared a grotesque personal experience he had with an anti-personnel landmine as a Marine Corps officer during the Vietnam War. A Time magazine article describes the episode:

[Robb's] mission included searching for mines by poking bayonets into any disturbed soil. One afternoon, an engineer several yards in front of Robb struck a detonator with his bayonet. "He was literally vaporized right in front of my eyes," Robb remembered. "We searched for 30 minutes. But the only thing we could come up with was one boot with a foot in it."

General John Shalikashvili, Chairman of the Joint Chiefs of Staff, listened closely. "He was extremely attentive," recalled one lawmaker. Shalikashvili was aware that banning antipersonnel landmines had become an important political issue, both in Congress and internationally. A former frontline soldier, he understood the value of mines, but his experience helping the Kurds in Iraq after the Gulf War had shown him how devastating they can be to civilians. As the

presidential plane drew nearer to Bosnia, the general well knew that he might soon have to rethink America's land-mine policy."²⁸

Two months later, in early March, then-UN Ambassador Madeline Albright returned from a trip to Angola, another nation ravaged by the indiscriminate scattering of anti-personnel landmines. Albright was profoundly affected by what she saw of the human toll landmines had taken on the Angolan people. She dispatched a letter to the President and senior defense officials, including Defense Secretary William Perry and General Shalikashvili, indicating her concern that the current US landmine policy would do little to eliminate them "within their lifetimes," a goal she obviously thought worthwhile.²⁹ It was later reported that Albright told Bobby Muller of the VVA that in the margin of her letter next to her sentence, "we must get rid of these," the President wrote, "I agree with you."³⁰

A supporter of the landmine ban leaked Albright's letter to the New York Times, and what followed was a major story on the landmine issue in its 17 March edition. The New York Times piece, by its very existence, assigned the landmine ban effort a level of credibility it had previously lacked because it placed the issue squarely on the front page of the newspaper of record for US policymakers. Along with its disclosure of the Albright letter, the article brought to light a number of interesting developments within the bureaucracy that revealed how seriously a ban on anti-personnel landmines was being taken within a supposedly uniform and monolithic foreign policy establishment.

First, the article reported that because of Albright's letter, as well as Leahy's efforts within Congress and the growing influence of the International Campaign to Ban Landmines, General Shalikashvili had ordered the Joint Chiefs of Staff to conduct a

formal review of the military's opposition to an all-out ban on anti-personnel landmines. But the article also noted that not all of the Pentagon's top flag officers shared Shalikashvili's concern. In a closed-door meeting, Army Chief of Staff General Dennis Reimer and Commandant of the Marine Corps General Charles Krulak reportedly fought the hardest to keep at least some landmines in the inventory, if for nothing else than to protect the border between North and South Korea.³¹ Because of the minor role that landmines play in the operational missions of the Air Force and the Navy, those two Service Chiefs could be counted upon to be less strident in their opposition to a landmine ban.

Second, the article showed just how far the international campaign had come in getting other governments, all of them US allies, to renounce landmine use. As of the time of the article, the governments of The Netherlands, Canada, Mexico, Belgium, Austria, Norway, and five other countries had forsworn the use of landmines. It was also reported that Human Rights Watch, a leader in the international campaign, had counted twenty-four countries who by that time had called for an international anti-personnel landmine ban.³²

Finally, the article contained the very candid comments of a man named Timothy Connolly, the principal Deputy Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (SOLIC). To have a policymaker at any level speak on the record is unusual. But having that policymaker hold forth on the inadequacy of a particular policy is rather a bombshell in policy circles, and the New York Times article quoted Connolly line and paragraph.

Connolly had served as a Army Captain during the Gulf War and had arrived at the Pentagon by way of the 1992 Clinton campaign. His office within the Department of Defense was pushing for a complete and immediate ban on all anti-personnel landmines except in very limited situations like defending the South Korean border. SOLIC's ban would include both "dumb" mines -- those that do not self-detonate -- as well as the self-destructing "smart" mines that made up the bulk of the US inventory. Connolly told the New York Times he felt that landmines should be placed in the same category as chemical weapons and similarly outlawed. He offered that while chemical weapons serve a military purpose, their devastating effects on soldiers and civilian populations render them disproportionately cruel and that "someday, and that day has to be sooner rather than later, we are going to reach that same conclusion about anti-personnel landmines." The article concluded that until the Chairman's review was ordered, "Mr. Connolly's voice had been a lonely one in the Pentagon," leaving the impression that the opinion of one Pentagon official represented an emerging zeitgeist in the Defense Department.³³

The following day, the Washington Times carried the Pentagon's official confirmation of the landmine review reported in the New York Times, along with Leahy's expected positive reaction. More importantly, it carried the remarks of a senior Pentagon official who quoted General Shalikashvili as saying he was "inclined to eliminate all anti-personnel landmines."³⁴ Thus, in a remarkable turn of events the principal military advisor to the President was thinking out loud about the possible merits of a total ban on anti-personnel landmines.

A March 20th Washington Post editorial followed up on the story and provided the anti-landmine effort with a novel argument against possible Pentagon resistance. The military argument against a landmine ban has always rested on the premise that landmines serve a valuable battlefield function and therefore protect the lives of American troops. Thus it follows that while outlawing anti-personnel landmines may be a commendable humanitarian goal, it would necessarily place US soldiers in danger in battles yet to be fought. The Post editorial, citing the threat that mines posed to American troops in Bosnia, opined that a ban would make future "military operations other than war" actually safer for US soldiers. The editorial writers made good use of a favorite anti-ban mantra by stating: "It must be the first purpose of American policy to provide adequate protection to military personnel in the field." But by their thinking, "The point of a landmine ban is not simply to ease the lot of civilians but to make duty safer for soldiers -- American soldiers -- who are now excessively and unnecessarily in harm's way."³⁵

Throughout the balance of March, editorials urging US policymakers to accept a ban on anti-personnel landmines appeared in newspapers as geographically and demographically diverse as The Hill, The Vancouver Columbian, The Sacramento Bee, The San Antonio Express-News, The New York Times, The St. Petersburg Times, and The International Herald Tribune.

By the end of March, the landmine issue had not only made it to the front page of the New York Times, but also to the front burner of the foreign policy bureaucracy and Department of Defense. Senator Leahy's efforts within the Legislative Branch had lawmakers and the press taking notice. The US Ambassador to the UN had expressed

her desire to see landmines wiped from the face of the earth. A fairly senior Pentagon official was on the record as being critical of current US landmine policy and had his office lobbying for a ban, albeit one with some very limited exceptions. And the Nation's top uniformed military officer, who just one year earlier tried to torpedo Leahy's attempt to enact a landmine moratorium, had ordered the Joint Chiefs to review their opposition to landmine use and was quoted as saying he was inclined to eliminate them altogether. However, actually taking the bold steps toward banning, or even severely restricting, the use of anti-personnel landmines was an entirely different matter, and one that could not be taken lightly.

April 1996: Front and Center on the Foreign Policy Agenda

By this time, the anti-personnel landmine issue had become a full-blown political and foreign policy crisis for the Clinton Administration, and the month of April began with a bang.³⁶

On April 3rd, the New York Times printed the following open letter to the President:

Dear Mr. President,

We understand that you have announced a United States goal of the eventual elimination of antipersonnel landmines. We take this to mean that you support a total ban on the production, stockpiling, sale, and use of this weapon.

We view such a ban as not only humane, but also militarily responsible.

The rationale for opposing antipersonnel landmines is that they are in a category similar to poison gas; they are hard to control and often have unintended harmful consequences (sometimes even for those who employ them). In addition, they are insidious in that their indiscriminate effects persist long after hostilities have ceased, continuing to cause casualties among innocent people, especially farmers and children.

We understand that: there are 100 million mines deployed in the world. Their presence makes normal life impossible in scores of nations. It will take decades of slow, dangerous and painstaking work to remove these mines. The cost in dollars and human lives will be immense. Seventy people will be killed or maimed today, 500 this week, more than 2,000 this month, and more than 26,000 this year, because of landmines.

Given the wide range of weaponry available to military forces today, antipersonnel landmines are not essential. Thus, banning them would not undermine the military effectiveness or safety of our forces, nor those of other nations.

The proposed ban on antipersonnel landmines does not affect antitank mines, nor does it ban such normally command-detonated weapons as Claymore "mines," leaving unimpaired the use of those undeniably militarily useful weapons.

Nor is the ban on antipersonnel landmines a slippery slope that would open the way to efforts to ban additional categories of weapons, since these mines are unique in their indiscriminate, harmful residual potential.

We agree with and endorse these views, and conclude that you as Commander-in-Chief could responsibly take the lead in efforts to achieve a total and permanent international ban on the production, stockpiling, sale and use of antipersonnel landmines. We strongly urge that you do so.

Source: New York Times, 3 April 1996.

The letter was sponsored by the VVA and was signed by 14 retired Generals and Admirals including: General David Jones, Chairman of the Joint Chiefs of Staff under President Carter; General John Galvin, former Supreme Allied Commander, Europe, and at that time the Dean of the Fletcher School of Law and Diplomacy at Tufts University; and General Norman Schwarzkopf, former Commander-in Chief of the US Central Command and Allied Commander of Operation Desert Storm.

The publication of the Generals' letter marked the high water mark of the public effort to get the US government to accede to a landmine ban and came at the peak of the ban effort's credibility in the US. The letter provided critical support for Senator Leahy's argument that "This is not a Republican-Democratic, liberal-conservative or civilian vs. military issue."³⁷ More importantly, the Generals' signatures provided the President with some much-needed cover from the argument that if he were to sign on to a total landmine ban, he would be guilty of selling out the safety of American troops in the interest of some "feel-good" disarmament prattle. Not everyone benefited from the New York Times letter, however. General Shalikashvili was nonplussed by the Generals'

actions, and the publication of their letter placed him in an intractable position. He was forced to choose between defending a policy being assaulted by members of the very small and genteel club of former Generals and Admirals, or joining them in criticizing the policy at the expense of his credibility within the government.

In early April, the anti-landmine campaign in the US was in full gallop. A San Francisco Chronicle editorial called on the President "to go beyond the timid incrementalism of international arms control negotiations by declaring, unilaterally, a complete and permanent ban on [landmines]," a move the paper said the Pentagon and the President were "actively considering."³⁸ An editorial in the Providence Journal-Bulletin urged the US to renounce landmine use and "press other nations to follow suit, [to] make landmines a relic of old-fashioned warfare by the next century."³⁹ And none other than retired Colonel David Hackworth, iconoclastic writer on military affairs and part-time anti-Pentagon gasbag for Newsweek "salute[d] the retired Generals for sounding off," writing that "This could well be their finest hour."⁴⁰ An interesting comment given that the officers' combined service to the Nation in peace and war exceeded four centuries.

The publication of the Generals' letter, along with the favorable publicity it sparked, led Senator Leahy to declare, "It's no longer just us against the Defense Department. Now we have some of the nation's most respected military leaders agreeing they [landmines] are a loathsome weapon."⁴¹

By this time, two parallel tracks had developed in the bureaucracy's handling of the landmine issue. One was primarily diplomatic and was waged on the international front. The global effort to ban landmines was charging along in the US and around the

world, and the State Department was preparing for Part II of the CCW review conference to be held in Geneva in late April. US proposals for the Geneva conference, with a few exceptions, remained essentially unchanged from those offered at the Vienna conference in the fall of 1995 -- incremental steps but no all-out ban.

The other track was military and was focused on the domestic scene. It primarily involved the thoughtful consideration of the landmine issue within the Department of Defense as the military services conducted their review of landmine policy. General Shalikashvili expressed the difficulty of the issue to the Washington Post the day after the General's letter appeared in print:

Where do I want to come out on that issue? I think where everyone else wants, that we stop the use of landmines producing all the tragedy, those young lives snuffed out and limbs torn off. It's absolutely something that has to be brought to a halt.

But I don't get paid to just look at it from that aspect without also understanding what impact it will have on American youngsters on some battlefield of tomorrow who might lose their lives because they don't have protective mines. I owe it to them and their parents.

The landmine issue is, for us in the military, every bit as difficult as it is for everyone else.⁴²

The Chairman's words introduced to the debate a level of clarity that had, at times, been lost in the hyperbole of public posturing. By offering his unique perspective, he succinctly articulated the essence of the dilemma the landmine issue created for military planners and policymakers.

The winter of 1995-96 brought indications that the ban effort might find sympathetic ears within the foreign policymaking apparatus. But as the Geneva conference drew nearer, the lofty goals of the landmine ban proponents and the rational

calculus of the military and foreign policy bureaucracy led the two interests to diverge once again.

April and May 1996: A Policy Begins to Emerge

With less than a week to go before the CCW review conference was set to open, the chief of the US delegation to Geneva, Ambassador Michael Matheson, had modest expectations for the talks. Matheson believed the negotiations would probably yield tighter restrictions on landmine use but that an outright ban was not yet feasible, which was fine as far as he was concerned because that married nicely with the US position at the negotiation table. The Ambassador was unsure if the Pentagon's review would be completed before the end of the conference, an indication that the Defense Department's examination of the landmine issue was divorced from the review conference negotiations for which the State Department had the lead.⁴³ Matheson was quoted in the Washington Times as saying, "I don't think it is possible at this conference to achieve total elimination of landmines. We're going after more limited objectives."⁴⁴

At the same time, it appeared that some key US allies were moving in a different direction. On 17 April, the Washington Times reported that Germany was destroying all the anti-personnel landmines in its arsenal and that German Defense Minister Volker Ruhe had asked Foreign Minister Klaus Kinkel to declare that Germany was rejecting the use of anti-personnel landmines altogether.⁴⁵

Despite Germany's drastic move, the details of a very different US landmine policy began to take shape in the press -- and it was not what the landmine activists wanted to hear. According to the Washington Post, the Pentagon and the National

Security Council (NSC) Staff recommended to the President that he declare that the US will renounce the use of all anti-personnel landmines -- in the year 2010. The proposal included a ban on non-self-destructing "dumb" mines in five years. Officials offered that the timetable was designed to allow defense researchers the time to develop new technologies to replace the battlefield functions that mines currently perform. Senator Leahy declared the proposal to be "totally unacceptable." He added, "Most of the Western world, and of Congress and the American people are way ahead of the Administration on this."⁴⁶

Defense Secretary William Perry, speaking to an audience at Georgetown University on April 17th, asserted the position that the US military relies on landmines to defend South Korea, meaning it will be years before the US expunges them from its arsenal. Perry stated, "The removal of all those mines if we actually got in a war with North Korea would lead to the deaths of thousands and thousands of American and South Korean soldiers and tens of thousands of civilians." While he reminded the audience that "the longer term step is to eliminate anti-personnel landmines altogether," Perry noted, "I think it is going to take some time to achieve that objective."⁴⁷

It also became clear that within the bureaucracy the days of letting a thousand flowers bloom on the landmine issue were over, and that foreign and defense policymakers were closing ranks. On the same day Perry was speaking at Georgetown, across the Potomac River in the Pentagon, Timothy Connolly -- who exactly one month earlier had sharply criticized US landmine policy in the New York Times -- was told to pack his belongings and be gone by 5:00 p.m. While one senior defense official would only say Connolly was "leaving because of policy disagreements," there was little

question in official Washington that Connolly's remarks on landmines sealed his fate as a Pentagon bureaucrat.⁴⁸ Senator Leahy called Connolly's dismissal "very unfortunate." In defending Connolly's reputation, Leahy alluded to what he saw as a schism between the White House and the Pentagon on the landmine issue: "He knew that the Pentagon's policy was inconsistent with the President's goal of ridding the world of these weapons, and he had the courage to say so."⁴⁹ In any case, Connolly carried any doubt that the bureaucracy would henceforth speak with a single voice on the issue of anti-personnel landmines with him through the doors of the Mall Entrance to the Pentagon.

A draft of the government's latest proposal for bringing the landmine matter to an efficient and favorable close was outlined in the Washington Post a day later in an article written by Brad Graham, one of the most well connected journalists on the Pentagon beat.

The plan was the result of a simple three-part logic train that defense planners had adopted in thinking through the landmine issue. First, the desire to forswear the use of landmines must be balanced against the unassailable value they hold in several important military missions around the world. Second, immediately renouncing the use of landmines would leave US and allied forces vulnerable, especially in parts of the world where anti-personnel landmines play an integral part in current defensive plans. And third, while the eventual elimination of landmines remains a goal of US policy, that goal cannot be accomplished until a comparable weapon or technological advance becomes available to take the place of landmines. By their estimates, that would take at least 14 years.

In keeping with this formula, the military was prepared to forgo the use of non-self-destructing landmines except under three circumstances: for the defense of the Korean peninsula, for possible use in the Persian Gulf region, and for combat search and rescue missions. These three exceptions were "at the heart" of the draft proposal.⁵⁰

In addressing the critics of the US plan for landmine use, the bureaucracy attempted to shift attention away from the timetable the government had accepted for landmine elimination -- forestalling it until 2010 -- that had drawn the ire of the landmine ban activists:

Pentagon officials dismissed the argument over dates as a red herring that, they said, obscured the distance military leaders have come in recent months toward embracing the notion of eliminating land mines from the US arsenal.

"What's new is, the military chiefs have stated their bottom-line needs for the use of antipersonnel landmines and would like to focus the debate on protecting those needs in the short term," one defense official said.⁵¹

Policymakers viewed the current plan -- a ban with certain exceptions leading to a complete ban in 2010 -- as a rational and prudent compromise between the military utility of landmines and the desire to eliminate them. They truly felt they had come as far as they could without abrogating their responsibilities for national security and the defense of US allies. The landmine ban activists were not impressed and were wholly uninterested in examining the issue from the perspective of military necessity. They felt a ban with exceptions was no ban at all. A Senate staffer sympathetic to the ban interests addressed both the exceptions and the timetable by stating, "If the United States continues to make exceptions on use, it will have no impact in persuading other countries to renounce land mines. Setting an early deadline is central, since it more than anything will send a message that we're serious."⁵²

Press reaction to the Pentagon's proposal was almost universally negative. A Washington Post editorial called it "almost laughable."⁵³ The venerable political columnist Mary McGrory took the President to task for allowing the Pentagon to hold sway in the decisionmaking process. She noted the President had a "major issue, a clear moral duty, and a phalanx of generals to guard him through the politics of landmines." She challenged the President to assert his control over decisions of such magnitude: "Now Clinton has a chance to become commander-in chief in fact as well as in name. [He] should order the ban, which he plainly wants to do, and let the Pentagon and the world know who's boss. Generations will bless him."⁵⁴

On the diplomatic front, Part II of the CCW review conference opened in Geneva on April 22nd with a flurry of activity and no small amount of high drama. As the delegates to the conference filed into the Palais des Nations in Geneva, they were forced to walk past a mountain of more than 10,000 shoes piled in front of the entrance to the building. Anti-mine activists erected the grim monument as a reminder that in the six months since the Vienna conference adjourned without resolution, an estimated 13,752 people had been killed or maimed by an anti-personnel landmine somewhere in the world.⁵⁵

Pope John Paul II lent his considerable international stature to the issue as well. In his weekly greeting to pilgrims in St. Peter's Square, The Pontiff publicly implored the conferees to ban the production and trade of landmines.⁵⁶

To mark the beginning of the conference, UN Secretary-General Boutros Boutros-Ghali sent a prepared message to the negotiators, which read in part:

The impact which landmines are having both on the civilian population and on the economy as a whole in affected countries is so appalling, so

devastating, that a total ban on all anti-personnel landmines is the only solution ... The world cannot wait for the eventual elimination of landmines. They must be eliminated now.⁵⁷

UN Undersecretary-General for Humanitarian Affairs Yasushi Akashi joined the multitude of concerned voices by publishing an article in the International Herald Tribune, timed to appear on the day the conference opened, in which he once again chronicled the litany of suffering caused by landmines. The lifelong diplomat concluded his article by issuing a direct challenge to the conference participants: "It is now time for the people of the world and their leaders to demand a ban on this instrument of horror once and for all."⁵⁸

In the most startling of all developments, America's closest ally, the United Kingdom, announced a remarkable policy reversal and declared that it would support international efforts at an anti-personnel landmine ban. Additionally, the British government was seriously considering the destruction of its landmine stocks as proof of its resolve on the issue.⁵⁹

As April drew to a close and the CCW review conference moved into full swing, the dust was settling in the world's newspapers and it was left to those at the table to hammer out the details of a revised landmines protocol. Lofty expectations for bettering the lot of humankind aside, it was a virtual certainty that if nothing else, the new protocol would accomplish at least one thing -- to sorely disappoint one of the parties in the global landmine debate.

May 1996: Resolutions At Home and Abroad

The conference proceeded as predicted, the thorny technical issues having been addressed in the January conference. By May 2nd, the progress of the talks began to emerge publicly and there were no surprises. Protocol II to the CCW as indeed tightened a bit, but the states parties failed to close a deal on an outright landmine ban.⁶⁰

The conference adopted all of the US proposals that the State Department had outlined in its September 1995 fact sheet. Article 1 of the amended Landmines Protocol expanded its scope to include internal armed conflicts, greatly reducing the number of cases in which landmines could be used that would not be covered by the CCW.⁶¹

Article 3 placed the responsibility for the clearance of anti-personnel landmines on the party employing them; required that all landmines and booby-traps be detectable by commonly available technology; and required that anti-personnel landmines delivered remotely, and therefore outside marked minefields, have self-destruct/self-deactivate mechanisms. The US negotiators strongly supported a requirement that anti-tank landmines be similarly restricted, but no consensus was reached on that issue.⁶²

A lengthy discussion took place at the talks regarding the subject of anti-handling devices (a feature designed to detonate the mine when one attempts to remove it). The US proposed a ban on anti-handling devices on all non-self-destructing "dumb" mines. That particular position was vigorously opposed by many states, but consensus was reached on a more modest requirement that anti-handling devices not be designed to outlive the active life of a self-destructing "smart" mine.⁶³

Consensus was also reached on the subject of landmine transfers. Article 8 of the Protocol prohibits the transfer of all mines that fail to meet the standards of the CCW, for example anti-personnel mines that do not meet detectability or self-destruct standards.⁶⁴

Finally, the US proposals for effective compliance mechanisms, as well as a formal process to ensure the Protocol is periodically reviewed and updated, were adopted as well. Article 13 was drafted to provide for annual conferences on the Protocol and required that the High Contracting Parties submit annual reports on the operation of the Protocol as well as the consideration of new technologies to protect civilians from landmine injuries. Article 14 required the High Contracting Parties to impose sanctions against those who violate the provisions of the Protocol.⁶⁵

The US got most of what it wanted from the conference. It succeeded in having its major proposals adopted and walked away from the table with a tighter Landmines Protocol but one that nonetheless “essentially reflect[s] the practices already adopted by US forces for the protection of the civilian population.”⁶⁶

More importantly, in pushing for even tighter restrictions on landmine use than other states were willing to agree to, the American negotiating team was better able to insulate the US from criticism that it was not serious about helping to solve the global landmine crisis. Throughout the debate, US opposition to a complete landmine ban allowed landmine activists to hold Western allies like Germany and Britain on a pedestal and lump the US in with the likes of Russia, China, Pakistan, and Egypt. The American position at the talks allowed the US to walk a thin line between two poles; allowing the US to continue using anti-personnel landmines but still not be labeled a rock-ribbed

proponent of unfettered landmine use like China, whose negotiators were quoted saying "flat out that they'll give up nukes before they give up anti-personnel landmines."⁶⁷

By May 3rd, the prime opportunity for the world community to come together and forever ban the use of anti-personnel landmines had come and gone. Although anti-personnel landmine use was limited by the amended Protocol II to the CCW, it was clear to a disappointed anti-landmine coalition that a global ban would have to wait for another day.

American diplomats having finished their work in Geneva, the attention of the US ban proponents shifted to domestic developments; the finalization of the Pentagon's study and the announcement of a final US policy governing the use of anti-personnel landmines.

Four days after the Geneva negotiators affixed their signatures to the Amended Landmines Protocol, President Clinton was close to a final decision on how the US would employ the weapons in the future. Although revision of the CCW was a fait accompli at that point, a final US policy was still crucial because it would establish the path the US would follow en route to its stated goal of the eventual elimination of anti-personnel landmines.

Once again the critical points were timing and exceptions. The timing of any bold move by the US, such as a complete ban on any or all categories of landmines, was important because it would demonstrate US resolve and would determine if the momentum of the international campaign would be carried forward or lost completely. Exceptions were important because it was felt that US declaration of exceptions would open the door for other states to declare their own and obviate any international

agreement from the outset. In a prepared statement on May 7th, Senator Leahy stated that any US policy that incorporates exceptions would "doom an international ban," adding it would invite other nations to follow suit: "Russian will demand an exception for Chechnya. India for Kashmir, and on and on."⁶⁸

The military review of landmine use ordered by General Shalikashvili in March was by now complete and its findings telegraphed how far the new policy was likely to go:

Defense Department officials said the review turned up little concern within the Pentagon about the possibility of a moratorium -- except when the discussions turned to questions of defending Korea and, to a far lesser extent, the Persian Gulf.

"It was surprising how little concern there was about a moratorium," a department official said. "Clearly mines are not a critical part of our arsenal any longer."⁶⁹

On May 10th, the President was presented with a proposed anti-personnel landmine policy that was somewhat more liberal than the draft proposal that was floated in the press in mid-April. The proposal allowed that non-self-destructing "dumb" mines would be unilaterally banned by the end of 1999. The key exceptions were in the defense of South Korea, where they would be allowed indefinitely, and in other regions where the US and its allies patrol a demilitarized zone recognized by the UN, including the Iraqi-Kuwaiti border. The US could also continue to use self-destructing "smart" mines until an international agreement renders them illegal. There was no mention of an across-the-board moratorium in five years, fourteen years, or any time in the future.⁷⁰

Defense Department spokesman Kenneth Bacon defended the proposed policy by stating that while the Pentagon was "looking for a formula that will meet the President's

promise of eliminating the use of anti-personnel landmines ... [but] we have to balance the humanitarian imperative with the need to protect our forces.”⁷¹

Although the President had yet to place his signature on a definitive policy, its contours were becoming clear and the ban interests were not pleased with what they saw.

“The Pentagon’s recommendation would be a tragic failure of American leadership. Instead of encouraging other countries to stop using these weapons, it would give a green light to their continued use for years to come,” protested Senator Leahy.⁷²

Bobby Muller weighed in as well. “The Proposal would make a mockery of the President’s concern and would run a dagger through the heart of our international campaign to ban this weapon.”⁷³

By mid-May it appeared that while the campaign to ban landmines considered the achievements of the CCW review conference to be anemic and largely insubstantial, they were not about to find a greater level of satisfaction in the announcement of a final US policy.

May 16th: The White House Announces Its Policy

President Clinton emerged from the White House to greet a throng of reporters waiting in the spring sunshine. The President was flanked by the members of the Joint Chiefs of Staff and joined at the podium by Secretary of State Christopher, Defense Secretary William Perry, and UN Ambassador Madeline Albright. General Shalikashvili was represented by Lieutenant General Wesley Clark, the Director for Strategic Plans and Policy (J5) for the Joint Staff. A special guest was also in attendance; retired General

David Jones, former Chairman of the Joint Chiefs of Staff who had signed the April letter published in the New York Times.⁷⁴

It was a memorable day for the US military. The President had called the news conference to announce the new US policy on anti-personnel landmines, but opened with a moment of silence for Admiral Jeremy Boorda, the Chief of Naval Operations, who had tragically taken his own life earlier that day. Not surprisingly, news of Boorda's suicide eclipsed the announcement of the landmine policy on that evening's newscasts and in the following day's papers.

When the moment of silence was complete, the President opened with the following words, "Today I am launching an international effort to ban anti-personnel landmines."⁷⁵

Not quite. The announced policy was a distillation of the earlier proposals that had emerged in drips and drabs over the previous months and represented little fundamental change in US policy. A White House fact sheet containing the details of the plan were prefaced by the statement that the US initiative sets out a "concrete path to a global ban," but also ensures the protection of US forces and allies.⁷⁶

The Administration's plan began with a commitment to aggressively pursue an international agreement to ban the transfer and use of all anti-personnel landmines as soon as possible.⁷⁷ This was noteworthy because it was not the US position at the recently concluded CCW review conference. However, at the talks the US did support formal mechanisms for regular reviews of the CCW's Protocol II, although it was not clear if the US would use that particular forum to pursue its ban initiative.

The new policy included a unilateral moratorium on non-self-destructing “dumb” mines with intent to destroy them by the end of 1999. However, two exceptions to this aspect of the policy remained. One involved training, allowing for the use of “dumb” mines to train US personnel engaged in demining and countermining operations. The other exception was for Korea. The policy stated that the US viewed the situation on the Korean peninsula as unique, and thus reserved the right to continue the use of non-self-destructing anti-personnel landmines to defend US forces and allies from armed attack “until alternatives become available or the risk of aggression has been removed.”⁷⁸ The policy addressed this particular issue in a carefully contrived way. First, it narrowed the exceptions allowed under earlier proposals. Exceptions for the Persian Gulf region and for combat search and rescue missions were removed, as was the much broader exception for any UN recognized demilitarized zone. Second, it set no specific timetable for when a unilateral ban on “dumb” mines would be enacted. Gone was the talk of five or fourteen years, as was the ability of critics to develop their own estimates of when new technologies would be available or the government of North Korea would fall.

Finally, the US reserved the right to continue to use self-destructing “smart” mines wherever it saw fit subject to the conditions of the CCW and until an international agreement rendering them illegal takes effect.⁷⁹ Considering the fact that “smart” mines make up the bulk of the US landmine inventory, this reflected no change to US policy or practice.

Apart from addressing US landmine usage, the policy also included some new tasks for members of the bureaucracy. Beginning in 1999, the Chairman of the Joint Chiefs would be required to submit an annual report to the President and Secretary of

Defense containing his assessment of whether there remains a military requirement for the exceptions outlined in the policy.⁸⁰ This new task essentially institutionalized the landmine review that General Shalikashvili had undertaken in early March.

The Secretary of Defense was tasked to begin a research and development program to advance alternatives to anti-personnel landmines. And the Department of Defense as a whole was charged with enacting a "substantial" program to improve mine detection and clearance technology to be shared with other nations and to expand its humanitarian demining program.⁸¹ The President described this aspect of the policy by saying, "As we move forward to prevent the minefields of the future, we must also strengthen the efforts to clear those that still exist today."⁸²

The President revealed his thought process on the final anti-personnel landmine policy when he stated, "Just as the world has a responsibility to see to it that a child in Cambodia can walk to school in safety, as Commander-in-Chief, my responsibility is also to safeguard the safety, the lives of our men and women in uniform."⁸³

The President closed his remarks by offering his thanks to all those who had created this political and foreign policy dilemma for him. He thanked General Shalikashvili and the Joint Chiefs for their time and effort, he thanked General Jones, and he thanked the "many nongovernmental organizations that have worked so hard to put this issue at the top of the international agenda."⁸⁴

In a somewhat awkward move, the President also thanked Senator Leahy, who did not attend the news conference:

I especially want to say a word of thanks to Senator Patrick Leahy of Vermont. Although I know he has differences with our approach, his dedication and his moral leadership on this issue have played a vital role in alerting the conscience of our nation to the suffering that land mines cause.⁸⁵

"Actions speak louder than words," snapped Senator Leahy in his formal response to the Administration's policy.

"Today the President announced the administration's 'new' policy on anti-personnel landmines, but there is nothing new about it. It simply reaffirms the Pentagon's old policy: they support a ban, but not now, not anytime soon -- who knows when."⁸⁶

The shadow of domestic politics loomed large over widespread reaction to the policy. The Washington Post reported that Clinton's advisors favored siding with the Pentagon on the issue, fearing a replay of the 1992 contretemps over gays in the military. Bobby Muller expressed his disappointment in domestic political terms as well. "With no Republican opposition arguing to keep [mines] the President deferred to the hollow demand of the Pentagon to maintain this useless weapon."⁸⁷

A May 20th Washington Post editorial offered the final word on the passing of what was seen by many as the best chance ever for the US to take meaningful steps to rid the world of anti-personnel landmines: "The President had before him the opportunity to fashion a strong policy against anti-personnel landmines, and he lost it."⁸⁸

The May 16th policy announcement closed the book on a foreign policymaking process that began with the President's remarks to the UN General Assembly 20 months earlier. The Congress, the press, international organizations, nongovernmental organizations, special interests, the foreign policymaking bureaucracy, and a spate of key individuals in the US and from around the world all had a hand in determining the words the President would speak when he announced his final decision. Each party was clear

in its goals and convinced of its rightness. Each party used all the arrows in its quiver in an attempt to drive the process toward an outcome it thought favorable. But only one party emerged with what it wanted. The other was left with little more than the chance to sit on the sidelines and snipe at what had been done, and begin planning for the next chance to make it right.

Epilogue

Shortly after the announcement of the policy, members of the Administration searched for opportunities to defend the result of the policymaking process. On May 31st, Bob Bell, Senior Director for Defense Policy and arms Control on the NSC Staff participated in a roundtable discussion at a Women's Foreign Policy Group discussion in Washington. He shared the dais with Tim Rieser of Senator Leahy's staff and Mary Wareham, coordinator of the US Campaign to Ban Landmines. Bell reiterated the Administration's concern over the global landmines crisis, and reduced the disagreement between the US government and ban proponents to one of "pace and scope." He defended the Korean exception on the grounds of military necessity and admitted that there is no way of knowing when viable alternatives to landmines could be developed. Bell also reminded the audience that before the US forswears the use of landmines, any international agreement on the elimination of anti-personnel landmines would have to be "fairly reciprocal and fairly universal."⁸⁹ Reiser and Wareham were unmoved by Bell's arguments. According to them, the Administration and the Landmine Campaign were still miles apart and deftly worded policy pronouncements were doing nothing to close that gap.

A new international effort to ban landmines began in the fall of 1996. A coalition of like-minded nations began meeting in Ottawa, Canada in September to begin the process of drafting an international ban specifically drafted to rid the world of landmines once and for all. The "Ottawa Process" started the international effort anew, and opened with the hope that the momentum that had carried the world community to the table of the CCW review conference had not been irretrievably lost.

The President forwarded the Amended Mines Protocol to the Senate on January 7th, 1997 for its advice and consent. He wrote that although the Protocol was not as strong as the US would have liked, he nonetheless asked the Senate to take prompt action on it "so that the United States can continue its position of leadership in the effort to deal with the humanitarian catastrophe of irresponsible landmine use."⁹⁰

End Notes

¹ U.S. President, Public Papers of President William Jefferson Clinton (Washington, DC: US Government Printing Office, 1994), 1629.

² The International Campaign to Ban Landmines refers to a group of approximately 350 separate non-governmental organizations, humanitarian agencies, and special interest groups worldwide who share the common goal of implementing a global ban on the manufacture and use of anti-personnel landmines. The Vietnam Veterans of America was one of the most prominent of these groups within the United States.

³ Bobby Muller et. al., "Vietnam Veterans of America Release Report on Unexploded Landmines," News Conference held in Washington, DC, 21 September 1995, Federal Document Clearing House, FDCH Political Transcripts, 2.

⁴ Department of State, Treaty Affairs Staff, Treaties in Force (Washington, DC, August 1997), 454.

⁵ Muller et. al., News Conference, 2.

⁶ Muller et. al., News Conference, 4-5.

⁷ Representative Lane Evans began a parallel effort within the House. However, Leahy is most often mentioned as the legislator who did the lion's share of the work in bringing the landmine issue before the Congress.

⁸ Congress, Senate, S 3098. 102nd Cong., 2nd sess., CIS Congressional Universe (1992): 1-3.

⁹ Kevin Fedarko, "Landmines: Cheap, Deadly, and Cruel," Time, 13 May 1996, 54.

¹⁰ Congress, Senate, Landmine Moratorium Extension Act. 103rd Cong., 1st sess., S 3098. CIS Congressional Universe (1992): 1-3.

¹¹ Congress, Senate, Landmine Production Moratorium Extension Act. 103rd Cong., 2nd sess., S 2216. CIS Congressional Universe (1992): 1-2.

¹² Eric Prokosch, The Technology of Killing: A Military and Political History of Anti-personnel Weapons (London: Zed Books, 1995), 185.

¹³ Department of State, "Hidden Killers: US Policy on Anti-personnel Landmines." Remarks upon the release of 1994 report on landmines, Washington, DC, January 27, 1995, US State Department Dispatch (Washington, DC, February 6, 1995), 71.

¹⁴ Ibid.

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- ¹⁵ Department of State, Office of International Security and Peacekeeping Operations, Hidden Killers: The Global Landmine Crisis (Washington, D.C., 1994), 8.
- ¹⁶ Sarah Walkling, interview by author, by telephone, Columbia, SC., 7 January 1999.
- ¹⁷ Department of State, Hidden Killers, 56.
- ¹⁸ Department of State, "Fact Sheet: US Initiatives for Demining and Landmine Control," US State Department Dispatch (Washington, DC, February 6, 1995), 72.
- ¹⁹ Ibid.
- ²⁰ Congress, Senate, S 940. 104th Cong., 1st sess., CIS Congressional Universe (1996): 1-2.
- ²¹ Muller et. al., News Conference, 7-8.
- ²² "Obstinacy at the Pentagon," Boston Globe, 22 September 1995, sec. A, p. 18.
- ²³ Muller et. al., News Conference, 3.
- ²⁴ The Senate ratified first two of the three CCW protocols in March 1995; the non-detectable fragments protocol and the mines protocol. Protocol III addressing the use of incendiary weapons was not sent to the Senate for ratification due to objections from the US military. Instead, it was kept back for further interagency study. See Department of State, Letter to the President Submitting Protocols to the 1980 Conventional Weapons Convention, (Washington, D.C., 7 December 1996), VIII.
- ²⁵ Michael Matheson, "International Law and Anti-personnel Landmines," ILSA Journal of International and Comparative Law 2, (Summer, 1996): 631, and Sarah Walkling, interview by author, by telephone, Columbia, SC., 7 January 1999.
- ²⁶ U.S. President, Public Papers of President William Jefferson Clinton (Washington, D.C.: US Government Printing Office, 1995), 1656.
- ²⁷ Sarah Walkling, interview by author, by telephone, Columbia, SC., 7 January 1999.
- ²⁸ Kevin Fedarko, "Landmines: Cheap, Deadly, and Cruel," Time, 13 May 1996, 54.
- ²⁹ Raymond Bonner, "Pentagon Weighs Ending Opposition to a Ban on Mines," New York Times, 17 March 1996, sec. A, p. 1.
- ³⁰ Mary McGrory, "Clinton's Duty to Command the Pentagon," Washington Post, 21 April 1996, sec.C, p. 1.

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ "Leahy Happy with Pentagon Rethinking Policy on Mines," Washington Times, 18 March 1996, p.5.

³⁵ "A Ban on Landmines," Washington Post, 20 March 1996, sec. A, p. 18.

³⁶ Charles F. Hermann quite correctly states that we suffer from the indiscriminate use of the word "crisis." However, there can be little doubt that by April 1996, the landmine issue had in fact become nothing short of a crisis for the Clinton Administration. The term is appropriate in this case due to the speed at which decisions needed to be made; the surprise felt by policymakers, if not at the occurrence of the event then certainly at its strength; and the high probability for change brought about by the situation. See Charles F. Hermann, "Some Issues in the Study of International Crises," in International Crises, Charles F. Hermann, ed., (New York: Free Press, 1972), 3-17, Jerel A. Rosati, The Politics of United States Foreign Policy, (New York: Harcourt Brace Jovanovich, 1993), 561, and Charles W. Kegley and Eugene Wittkopf, World Politics: Trend and Transformation, (New York: St. Martins, 1998), 443 and 546.

³⁷ "Leahy Happy," Washington Times, 18 March 1996, p.5.

³⁸ "Clinton Should Declare Ban on Landmines," San Francisco Chronicle, 7 April 1996, sec. A, p.6.

³⁹ "Ban Landmines," Providence Journal-Bulletin, 7 April 1996, sec. B, p.6.

⁴⁰ David Hackworth, "Retired Generals Back Ban on Landmines," The Harrisburg (PA) Patriot-News, 5 April 1996, sec. A, p.7.

⁴¹ John Mintz, "Shalikashvili Awaits Study on Banning Land Mines," Washington Post, 4 April 1996, sec. A, p.11.

⁴² Ibid.

⁴³ "Outright Ban on Landmines Not Yet Feasible, US Says," Baltimore Sun, 17 April 1996, sec. A., p.13.

⁴⁴ "Germany to Destroy Stockpile of Anti-Personnel Landmines," Washington Times, 17 April 1996, sec. A, p. 13.

⁴⁵ Ibid.

⁴⁶ "Advisers Urge Clinton to Renounce Land Mine Use, But Not Immediately," Washington Post, 18 April 1996, sec. A, p. 18.

⁴⁷ Nomura, "Nations Likely," Washington Times, 29 April 1996, p. 16.

⁴⁸ John Diamond, "Senior Pentagon Official Fired Over Land Mine Dispute," Associated Press, 18 April 1996.

⁴⁹ Takehiko Nomura, "Nations Likely," Washington Times.

⁵⁰ Bradley Graham, "Pentagon Prepared to Forgo Most Land Mine Use Except in Korea, Persian Gulf," Washington Post, 19 April 1996, sec. A, p. 26.

⁵¹ Ibid.

⁵² Ibid.

⁵³ "A Landmine Ban in 2010?" Washington Post, 19 April 1996, sec. A, p. 22.

⁵⁴ McGrory, "Clinton's Duty," Washington Post, 21 April 1996, p.1.

⁵⁵ "10,000 Shoes Dramatize Human Cost of Landmines," Baltimore Sun, 23 April 1996, sec. A, p. 7.

⁵⁶ "Pope Calls for Conference to Ban Use of Land Mines," Philadelphia Inquirer, 22 April 1996, sec. A, p. 6.

⁵⁷ Boutros Boutros-Ghali, "Statement of the Secretary-General to Review Conference of 1980 Convention on Certain Conventional Weapons," 7 May 1996, Federal Information Systems Corporation, Federal News Service, 2.

⁵⁸ Yasushi Akashi, "It's Time for the World to Ban Landmines Once and For All," International Herald Tribune, 23 April 1996, sec. A, p. 8.

⁵⁹ Bernard Gray, "Global Ban on Landmines Backed," Financial Times (London), 23 April 1996, p. 11.

⁶⁰ Frances Williams, "UN Edges Close to Accord on Landmines Restriction," Financial Times (London), 2 May 1996, p. 5.

⁶¹ Department of State, Letter to the President Submitting Protocols to the 1980 Conventional Weapons Convention, (Washington, DC, 7 December 1996), 2-3.

⁶² Ibid., 12.

⁶³ Ibid.

⁶⁴ Ibid., 27.

⁶⁵ Ibid., 33-34.

⁶⁶ Ibid., 35.

⁶⁷ Fedarko, "Landmines," Time, 13 May 1996, 55.

⁶⁸ Philip Shenon, "Clinton Reported Close to a Limited Ban on Land Mines," New York Times, 7 May 1996, sec. A, p. 10.

⁶⁹ Ibid.

⁷⁰ Philip Shenon, "Joint Chiefs Weaken Proposal for Land-Mine Moratorium," New York Times, 11 May 1996, sec. A, p. 4.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ The President stated in his remarks that Administration officials consulted General Jones closely during the formulation of the policy and that he fully supported the final product. It was reported that before the announcement, General Shalikashvili was working the phones with the retired officers in an attempt to get them to endorse the administration's policy. Apparently some were left with the impression that the final policy would be closer to what the landmine activists wanted and at least one officer, LTG Henry Emerson, refused to attend the ceremony in protest. See John Mintz, "Clinton Won't Change Land Mine Policy," Washington Post, 16 May 1996, sec. A, p. 11.

⁷⁵ U.S. President, Public Papers of President William Jefferson Clinton (Washington, DC: US Government Printing Office, 1996), 754.

⁷⁶ The White House, Office of the Press Secretary, "US Announces Anti-Personnel Landmine Policy," 16 May 1996.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² U.S. President, Public Papers of President William Jefferson Clinton (Washington, D.C.: US Government Printing Office, 1996), 755.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Press Release, "Statement of Senator Patrick Leahy on the Administration's New Landmine Policy," 16 May 1996, Federal Document Clearing House, Congressional Press Releases, 1.

⁸⁷ John Mintz, "Clinton Won't Change Land Mine Policy," Washington Post, 16 May 1996, sec. A, p. 11.

⁸⁸ "The Agony of Mines," Washington Post, 20 May 1996, sec. A, p. 20.

⁸⁹ Robert Bell et. al., "Remarks on Landmines at a Women's Foreign Policy Group Discussion: Defense Policy and arms Control," Discussion held in Washington, DC, 31 May 1996, Federal Document Clearing House, FDCH Political Transcripts, 1-4.

⁹⁰ U.S. President, Message, Message From the President of the United States Transmitting Protocols to the 1980 Conventional Weapons Convention, (Washington, DC, 7 January 1997), III and V.

Chapter Three

Why the Landmine Ban Coalition Should Have Expected to Succeed

There was almost an air of inevitability to the landmine debate in the spring of 1996, when it looked as if the landmine ban activists would likely get a considerable part of their agenda translated into US policy; significant restrictions on anti-personnel landmine use at the very least or a unilateral ban on all anti-personnel landmines at the most. The optimism appeared deserved. It was during this time that key members of the foreign policy bureaucracy were thinking aloud -- or had their private thoughts aired -- about the merits of a unilateral landmine ban. The Chairman of the Joint Chiefs had ordered a review of landmine policy, setting in motion the machinery of change. And in a remarkable demonstration of support, fourteen distinguished retired flag officers had weighed in on behalf of a landmine ban, joining a chorus of editorial writers nationwide. Senator Leahy, the issue's standard bearer on the Hill, seemed justified in his triumphant remarks of early April, "Its no longer just us against the Defense Department."¹ Indeed the only thing that seemed uncertain at the time was the life span of the status quo in US landmine policy.

It is for a variety of reasons that as the issue progressed over time, it appeared as though the momentum was increasingly being tipped in favor of the landmine ban interests. Thus, explaining the seemingly rightful optimism of early 1996 requires a closer look at some of the factors that brought it about. To assess the influence of the individuals and organizations pushing for a landmine ban, we must classify just exactly who these actors were, using the accepted taxonomy of American politics. Furthermore, we must understand why the landmine ban interests were reasonably expected to succeed

in some, if not all of their goals, given the political environment of early 1996. Doing so will force us to confront some widely held assumptions about the making of American foreign policy, and bring us closer to understanding the specific determinants of the US anti-personnel landmine policy.

The Landmine Ban Activists: Grass Roots Effort, Interest Group, Coalition, or Social Movement?

Although the international campaign to ban landmines was a global effort, we restrict our study here to the US component of that campaign and specifically to those actors who sought to bring about a change in US anti-personnel landmine policy.

Grass Roots Effort. At times, the effort to ban landmines within the US had the look and feel of a grass roots campaign. It brought together an interesting blend of people with incredibly diverse backgrounds: former common footsoldiers who had slogged through the jungles of Vietnam, and the well-heeled Generals who led them there; young human rights activists from the non-profit sector, and international diplomats with credentials and portfolios; a young humanitarian worker from Colorado crippled by a landmine in Africa, and a six-term senator from Vermont. All were individuals who shared little more than their desire to see anti-personnel landmines outlawed as an instrument of warfare.

However, in spite of the diversity of its proponents and the considerable coverage afforded the issue by reporters and editorial boards from across the country, there is no evidence that the anti-personnel landmine cause ever generated the widespread public support that typifies a grass roots lobbying effort. Its appeal was generally confined to those most passionate about the cause itself and those who study and write on American

foreign policy issues. Fundamentally, the issue never touched off the huge groundswell of support from the American public that would deserve classification as a true grass roots effort. To borrow from Hedrick Smith's three rules of grass roots lobbying from The Power Game, although it looked authentic at times, the landmine ban effort was never really an authentic grass roots effort and never got the entire public genuinely behind it by any measurable standard.²

Interest Group. There is no consensus among scholars as to what constitutes an interest group.³ In earlier political science literature, the term *pressure group* was used to describe any "aggregate, organized or unorganized, which applies pressure tactics," with only the implication that the pressure being applied was to actors in the political process. But in his 1957 book American Democracy Under Pressure, Donald Blaisdell states that the terms *interest group* and *pressure group* are synonymous and that earlier distinctions between the two were based upon each groups tactics and not its composition.⁴ Today, *interest group* is the accepted term in the lexicon of political science.

The broadest applicable definition of an interest group is offered by John Turner, whose somewhat positivist argument states that groups exist to the extent that people think they do. According to Turner, no action among the individuals is necessary, only that they "share a common social identification of themselves or ... [they] perceive themselves to be members of the same social category."⁵

Most other scholars limit their definitions of interest groups to associations of individuals who operate almost exclusively within the political arena. Jerel Rosati and Jack Walker frame their definitions in terms of the shared interests of the group. Rosati defines interest groups simply as organizations that possess an overriding concern with

the political process and policy outcomes, and which usually form in reaction to key events.⁶ Walker confines his focus to "associations in the United States that are open to membership and are concerned with some aspect of public politics at the national level."⁷ Sociologist David Knoke goes beyond the shared interest of the group and incorporates the group's behavior as well by writing, "whenever associations attempt to influence governmental decisions, they are acting as interest groups."⁸ William P. Browne chooses to define interest groups by their features instead of their functions: "Their joiners affiliate voluntarily; these people share at least one common characteristic; and they seek to advance in politics the collective interest that comes as a result of that characteristic."⁹ Browne emphasizes that "Interest groups are about politics, articulating issue positions, and influencing public policy."¹⁰ And finally, David Truman combines features of all the above in this succinct definition of interest groups from his classic work The Governmental Process:

[A]n interest group is a shared-attitude group that makes certain claims upon other groups in society. If and when it makes its claims through or upon any of the institutions of government, it becomes a political interest group.¹¹

Truman's definition is the most appropriate for our purposes. It is broad enough to account for the influence of a range of individuals and groups who had an interest in the anti-personnel landmine effort, but appropriately distinguishes between those who were merely attentive to the issue and those who actively worked for a change in US landmine policy.

Apart from a general definition of an interest group, Charles Kegley and Eugene Wittkopf further define interest groups by their particular focus. The three major types of interest groups they identify -- which are not mutually exclusive-- are Public interest

groups, Single-issue groups, and Ideological groups. Public interest groups represent the interests of society as a whole, seeking to realize less tangible benefits rather than economic gains. Single-issue groups seek to influence policy in more narrowly defined areas, and Ideological groups are concerned with a broad array of policies, albeit from a particular philosophical viewpoint.¹²

It is clear that each one of the many organizations that actively supported the effort to ban anti-personnel landmines were engaged in an attempt to influence a policy outcome, consistent with the definitions of interest groups offered by Knoke, Rosati, Walker, Browne, and Truman. In addition, each had the narrow focus of a Single-issue interest group -- that issue being a ban on anti-personnel landmines. And consistent with the definition of a Public interest group, each remained focused on the intangible societal benefit of a ban on anti-personnel landmines rather than any economic gain, in accordance with Kegley and Wittkopf's definition.

Although each individual group can be classified as an interest group, the strength of the landmine ban effort was enhanced by the fact that all of these separate groups coalesced around the single issue of a landmine ban and worked in collusion with one another to further their objectives. Therefore, examining the attributes of interest group coalitions is necessary to more completely address their aggregate effect on the policy process.

Coalitions. Under normal circumstances, separate groups within the political arena are often in competition with one another for access to policymakers and greater influence in the creation of policies favorable to their agenda. However, when those

groups share a common interest, they can and do form coalitions to pool their resources, thus strengthening their position in the policymaking process.¹³

Burdett Loomis notes that the formation of interest group coalitions is a relatively recent political phenomenon, essentially emerging since the Eisenhower and Kennedy administrations. Loomis cites certain changes in the political environment that have caused the emergence of interest group coalitions: increased policy complexity; the growth and decentralization of government; an improved ability for interest groups to communicate among themselves and with their grass roots constituents; and the growing politicization of interests that were previously poorly organized or relatively inactive.¹⁴

Combining the above factors that lead interest groups to form coalitions, along with Rosati's definition of interest groups themselves, allows us to determine the true classification of the landmine ban effort -- an interest group coalition.

In this case, several different interest groups did in fact combine to increase their influence in the landmine issue including; the Vietnam Veterans of America, The Arms Project of Human Rights Watch, Physicians for Human Rights, and many others. The tapestry of diverse interest groups that converged on this issue provided a vivid image of three faces of the anti-personnel landmine issue: the personal, the legal, and the humanitarian. The landmine ban coalition was the biggest of tents that seemed to draw strength from the varied organizations and interest groups who each brought their unique perspectives to the table.

Veterans groups like the VVA represented the personal side. As we have seen, the Vietnam War opened a new chapter in the history of anti-personnel landmine use. The VVA joined the coalition in an effort to free future generations of soldiers and

civilians from the burden of sharing their experience with these horrific weapons. The veterans of Vietnam brought to the coalition a depth of understanding of what it means to hold one's breath before every footfall, and infused the coalition with a sense of purpose that only personal experience can provide.

The legal aspect of the issue was advanced by the well-established and politically savvy interest groups like Human Rights Watch. They viewed the ability to live in a land free from the threat of landmine injuries not as a benefit of living far from a war-torn country, but as an inalienable right of all people. As such, they viewed the issue from the perspective of international law, asserting that anti-personnel landmines are disproportionately cruel and indiscriminant and thus in violation of international legal norms and treaty obligations.

Finally, groups like the Red Cross and Physicians for Human Rights gave voice to the humanitarian aspect of the anti-personnel landmine issue. They attached themselves to the landmine ban coalition not out of a political agenda, but out of their concern for the devastating human toll that the indiscriminant sowing landmines had been visiting upon non-combatants in the most desperate corners of the world. For the humanitarians, the issue was not about laws and treaties but rather about shattered limbs and lost lives. In explaining why the Red Cross had supported this weapons ban effort -- an action not taken by the organization since the 1920's -- Urs Boegli of the organization's landmine campaign provided a terse but heartfelt explanation; "We've simply seen too much."¹⁵

Although the objective of the interest group coalition was fairly straightforward, the policy itself that it sought to change was complex and cut across several boundaries

in a decentralized bureaucracy -- the State Department and the Arms Control and Disarmament Agency, The Department of Defense and the Uniformed Services, and the National Security Council Staff. The various interest groups representing the many faces of the landmine issue used every available medium and means of communication to communicate with one another and with those segments of the public interested in their cause.

Finally, in keeping with the definition of interest group coalitions, the collection of groups working for a landmine ban was not only previously inactive; it was virtually nonexistent before 1991. Rosati points out that interest groups form in response to key events. If this is correct, then it follows that coalitions of interest groups would behave in the same fashion. And as we have seen, a series of events -- from the President's 1994 UN speech to the key events of late 1995 and early 1996 -- provoked the previously nascent landmine ban interests to form a coalition and push their issue to the forefront of American foreign policy discourse.

Social Movements. Although various disparate groups formed a coalition to further their goals, the coalition itself fell well short of what could be termed a social movement. Rosati defines social movements as large coalitions of individuals and groups that loosely unite around certain issues, usually in opposition to the status quo, and can involve thousands, and sometimes millions, of people.¹⁶ All of the above were true of the individuals and groups that rallied behind the landmine ban cause. However, Rosati writes that social movements usually arise during periods of political instability and turmoil, and he further states that social movements usually involve a change in the way

people think about an issue that often remains after the social movement fades.¹⁷ This was clearly not true of the landmine ban effort.

The US political environment from which sprang the anti-landmine campaign was far from unstable or tumultuous. Further, there is no evidence that the landmine ban coalition succeeded in changing widespread thinking about the use of anti-personnel landmines, simply because there were no minds to change. Few people could be said to favor the widespread and indiscriminant use of landmines, the true source of the global landmine crisis. Indeed, those members of the bureaucracy who opposed any restriction on anti-personnel landmine use defended their position with an acknowledgement that such weapons were deadly and odious. The issue was never *pro-landmine versus anti-landmine*. Rather, the debate revolved around the prudent use of such weapons given the range of threats to the security of US and allied troops, the practicality of renouncing the use of anti-personnel landmines outright, and the timetable under which a ban could realistically be enacted and enforced. Although the effort to force the US to ban the use of anti-personnel landmines was a large, well-organized, and formidable interest group coalition, its success never rose to a level befitting the term social movement.

The coalition pushing for a US landmine ban was helped by a fortuitous series of events over a 20-month period that made it possible, and indeed reasonable, for it to assume it would achieve some, if not all, of its goals. However, there were other factors that were even greater cause for hope, including a President sympathetic to the landmine ban cause, a governmental structure susceptible to interest group influence that created the right conditions for change, a well-organized coalition with a winning issue, and the cooperation of the national press. Closely examining each of these factors and assessing

their impact on the policymaking process says as much about the making of American foreign policy in general as it does about the single issue of an anti-personnel landmine ban.

The President: "I Agree With You"

There are a number of indicators that President Clinton was personally disposed to support a US policy that would ban the use of anti-personnel landmines. Indeed it was he who first placed the issue on the foreign policy agenda in his 1994 speech to the United Nations General Assembly.¹⁸ This was the first step in the process of changing US landmine policy and it is noteworthy that the President himself initiated it.¹⁹

Additionally, there were an infinite number of ways the President could have responded to Ambassador Albright's March 1996 letter appealing for the eradication of landmines. However, he chose to respond to her statement, "we must get rid of these" with the words, "I agree with you."²⁰ This anecdote is important because it provides a window into the President's private thinking on the matter. It was not part of a public pronouncement, but rather contained in a private correspondence between Clinton and Albright. Clinton's handwritten comment only came to light when Albright intimated the exchange in a conversation with Bobby Muller, which was later reported by Mary McGrory of the Washington Post.

Apart from his inclinations about this particular issue, Clinton's personality style is one that makes him somewhat amenable to far-reaching, and even radical, policy change. In his study of interest group influence over Clinton's Cuba policy, Jonathan Smith writes:

Proponents of the President describe him as "open-minded" and a "policy wonk" who loves to delve into the details of policy. He promotes himself as being open to fresh thinking and not committed to past policies, perhaps making him an open target for interest groups who see, "Here [is] a president whose mind could be changed."

Others claim that it is his inherent desire to please that makes him accessible to groups.²¹

The President's aides and associates often credit him with having an "activist" temperament.²² However, the structure of the decisionmaking apparatus within the Clinton White House, especially in the early years of his first administration, held as much potential for allowing a change in landmine policy as did any of Clinton's idiosyncrasies. The Clinton management style has been described, politely, as disorganized and chaotic.²³ Such an environment often leads to an absence of focus on salient issues, a lack of measured consideration and long range thinking on the implications of policy decisions, and a diffusion of power and lack of fixed responsibility for policy implementation and follow-through. This decision-making environment, combined with Clinton's proclivity for being open to new ideas and eager to please, created a climate favorable to the radical change sought by the landmine ban coalition.

Having the President sympathetic to its cause was no insignificant blessing for the anti-landmine coalition. The president sits at the center of the concentric rings of American foreign policymaking.²⁴ He is termed the most powerful political actor in the United States: commander-in chief, chief diplomat, chief administrator, chief of state, and chief legislator among other roles.²⁵ And because of his constitutional, statutory, and political powers, his worldview matters and provides the philosophical and ideological foundation for US foreign policy initiatives.²⁶ I.M. Destler, Anthony Lake, and Les Gelb describe the President as the engine of the foreign policy process:

When a new President takes office, his policies fairly quickly take hold within the foreign policy bureaucracy. Contrary to the impression of most analysts and Presidents themselves, the wheels of government do start to turn in the direction set by the new leader. There may be a loose pulley here in the machinery of government or a grinding of gears there, but the wheels do turn -- if the new leader's directions are reasonably clear.²⁷

It is evident the landmine ban coalition attempted to capitalize upon having a kindred spirit at the center of the foreign policymaking apparatus. Although the government is full of policymakers and bureaucrats who could potentially influence the future of US landmine policy, Clinton was the singular target of the coalition's effort. Senator Leahy directed his verbal remarks and legislative writings toward the President as the Chief Legislator. News conferences and press releases from the interest group coalition were directed toward Clinton himself as Chief of State. And the Generals' open letter published in the New York Times which began with the words, "Dear Mr. President," concluded with, "you as Commander-in -Chief could responsibly take the lead in efforts to achieve a total and permanent international ban on the ... use of antipersonnel landmines. We strongly urge that you do so."²⁸

In his book Lobbying for Social Change, Willard Richan writes that the first approximation in selecting the target of a group's lobbying effort is thinking about who can have the greatest impact on policy decisions.²⁹ Clearly, the landmine ban coalition had the most powerful actor in the foreign policymaking process and it focused its efforts on him almost exclusively. Additionally, Richan writes. "Strictly speaking, the presumption in the public policy arena is that things should stay as they are. The burden of proof is on anybody proposing a change in policy. As an advocate, you must size up the presumptions of the target, whether they are in favor of or against change."³⁰ The

coalition was right on the money in this regard as well. There was no better person for it to have in the White House than the activist President, open to new ideas and loath to disappoint anyone who came to him in need. The landmine ban effort recognized this and applied unceasing pressure on Clinton in their attempt to make him their agent of change in US landmine policy.

The landmine ban coalition clearly attempted to exert a heavy *societal influence* on the process of changing US anti-personnel landmine policy.³¹ The term *societal influence* is most appropriate simply because the true driving force of the effort was non-governmental in nature and comprised of a coalition of interest groups and individuals focused on a single public interest issue. Although the coalition enlisted the help of Senator Leahy and a few other individuals from within the government, the essential character of the landmine ban coalition remained non-governmental -- outsiders attempting to influence those on the inside to change US policy.

In his article, "Pluralism, Reformed Pluralism and Neopluralism: the Role of Pressure Groups in Policy-Making," Martin Smith writes, "the influence of pressure groups derives not so much from their resources but from the organization of government."³² And the general susceptibility of the US government to societal pressure in the policymaking provides the second major reason why the landmine ban coalition should have expected to be successful in their effort to change US landmine policy.

A Government Somewhat Receptive to Societal Influence

Any discussion of significant societal influence in the foreign policymaking process must begin with a short discussion of *pluralism*. In American politics, pluralism

refers to "the role that groups, associations, and organizations play in political life."³³

Pluralism is the polar opposite of *elitism* -- political power concentrated in the hands of a few, well-connected individuals drawn from a small, privileged stratum of society at large, and groomed for influential positions within the government.³⁴ Under pluralist models, interest groups (and one is to assume coalitions of interest groups as well) comprised of common folk advance certain issues in which they have an interest, and are of central importance in the policymaking process. Martin Smith has written that the major distinguishing feature of pluralism is "the dispersal of power in modern industrial society."³⁵

Diplomatic historian Melvin Small writes that pluralism has been a feature of the American political system at least since the late 19th century:

[A] variety of economic, political, and ethnic organizations, often through political action committees, have forcefully made their views known in Washington whenever their special interests became an object of American concern. When China began to fall prey to foreign concessionaires during the late 1890s, the new National Association of Manufacturers pressured the McKinley administration to do something about keeping the door open to that potentially vast market. During the 1920s, similarly, the stridently anti-Communist American Legion and American Federation of Labor periodically warned Republican administrations not to recognize the Soviet Union.³⁶

However, Jerel Rosati argues that there were distinct periods in American history where pluralism was not the dominant model of American "foreign" policymaking. He writes that during the Cold War, policymaking was dominated by foreign policy elites with the lion's share of power concentrated in the Executive Branch and specifically in the White House. America's tragic involvement in Vietnam caused that to change, and Rosati writes that Vietnam represented the height and decline of elitism in American foreign policy. Thus, as a consequence of the Vietnam War, foreign policymaking has

evolved from its Cold War era elitism to a post-Vietnam pluralism that remains with us today.³⁷

At the moment, there is a general consensus among scholars that pluralism represents the dominant model of American foreign policymaking and that the present organization of the United States government gives a great deal of power to societal influences on foreign policymaking.³⁸

However, any discussion of pluralism would be of little use without also discussing the nature of the government that must be responsive to societal influences in order for such forces to have any effect. To do so would rather be like discussing the importance of keys in a world without locks. And in fact, many scholars agree that the US government is generally receptive to the influence of societal forces in the creation of policy, even foreign policy that has historically been the exclusive purview of well-groomed elites. In short, as Jennifer Cunningham and Michael Moore state in a 1997 Social Science Quarterly article, "Evidence is mounting that the public forms opinions related to foreign policy and that these opinions influence policy outcomes."³⁹

Aaron Friedberg places the US in the category of "weak states," defined as those permeated by pressure groups and whose central government is likely to face greater difficulty in achieving international goals in the face of interest group opposition.⁴⁰

In his 1991 comparative study of the domestic structures of the US and three other liberal democracies: West Germany, Japan, and France, Thomas Risse-Kappen finds "The US undoubtedly has the most decentralized foreign and security policy-making structure of the four countries." Further, he characterizes the American system as being very close to the society-dominated type.⁴¹ (See table 3.1)

Table 3.1 Risse-Kappen's Table of Domestic Structures				
	<i>U.S.A.</i>	<i>W. Germany</i>	<i>Japan</i>	<i>France</i>
<i>Political system</i>	decentralized	intermediate level of centralization	intermediate level of centralization	centralized
<i>Society</i>	heterogeneous, weak organizations	heterogeneous, strong organizations	homogeneous, strong organizations	heterogeneous, weak organizations
<i>Policy network</i>	society-dominated	democratic, corporatist	quasi-corporatist	state-dominated

Source: Thomas Risse-Kappen, "Public Opinion, Domestic Structure, and Foreign Policy in Liberal Democracies," *World Politics* 43 (July 1991)

Note that Risse-Kappen lists the US society as heterogeneous and with weak organizations. As we have seen, the myriad landmine ban interests compensated for this weakness by forming a coalition to pool their resources and increase their strength in the policymaking process.

There is evidence that policymakers freely acknowledge, and even applaud, the strength of the societal influence in the foreign policymaking process. In his study of public opinion and foreign policymaking, Philip Powlick finds that policymakers are remarkably receptive to the desires of the public at large in the making of foreign policy:

[T]here is a surprisingly widespread view among foreign policy officials that public input into, and even to some extent influence on, the foreign policy process is both necessary and desirable.

The finding of a public support "norm" in the bureaucratic culture is an important finding, suggesting that public attitudes can and do affect policy decisions.⁴²

The strength of the societal influence seems to be a consistent element of American political behavior and appears to be present across the entire spectrum of

foreign policymaking. Other scholars apply pluralist models to the formulation of foreign economic policy as well as security policy. Peter J. Katzenstein writes:

[In] the area of foreign economic policy parties and elections are often less important than interest groups in the formulation and implementation of policy. The interest groups model of foreign economic policy traces the infusion of private interest into the definition of public preference and the exercise of public choice.

In sum ... foreign economic policy is seen primarily to reflect societal pressures.⁴³

G. John Ikenberry, David Lake, and Michael Mastanduno reach a similar conclusion as well:

While there are several variants of society-centered explanations, the interest group approach is particularly prominent in the foreign economic policy literature; it draws on pluralist theory and views policy as the outcome of a competitive struggle among affected groups for influence over particular policy decisions.

As the issues change, so too do the interest group alliances. In this approach, government institutions essentially provide an arena for group competition, and do not exert a significant impact on the decisions that emerge.⁴⁴

Because of the substantial societal influence in the making of American foreign policy, Peter Shraeder asserts that the US is not a monolithic actor speaking with one voice. Rather, he sees "Washington's foreign policy landscape [as] comprised of numerous centers of power which have the ability to simultaneously pull US foreign policy in many directions."⁴⁵

This picture of a fragmented foreign policy machine was summed up quite well by former Labor Secretary Robert Reich, a Rhodes Scholar, former professor of economics, and close friend of the President. Writing for a British audience in the September 4th issue of The New Statesman, Reich explains the American style of policymaking thusly:

You must first understand that the United States has never had a "government" in the sense that most people in Britain probably understand the term. Even with a full-bodied President, America has multiple centres of power. Presidents possess the largest share, but their power rises and falls in response to changes in public opinion, issues of the moment, whims of the news media, luck, political tactics, cunning, intelligence, error, occasional scandal.⁴⁶

As we have seen, in the person of President Clinton, the landmine ban coalition had a man receptive to its cause whose personal nature invited serious consideration of the radical policy change it was proposing. Additionally, the coalition was operating in a political environment that ensured it would not only be heard, but that it would likely have substantial influence in the process of making a new anti-personnel landmine policy for the United States.

When Senator Leahy breathlessly exclaimed, "It's no longer just us against the Defense Department,"⁴⁷ he was unwittingly proclaiming a comforting vision of an open political environment where outsiders can rally together around certain issues and affect the decisions made by the insiders of the policymaking process. This is what makes the outcome of the landmine ban issue worth a second look. This is a case of a single, somewhat counterintuitive, result of a well-examined and somewhat predictable policymaking process in which a panoply of diverse actors external to the government should have expected to have had a definitive and measurable influence in the policymaking process, but did not.

The two aces the landmine ban interests held -- a sympathetic President and a government somewhat receptive to societal influence -- would still have been of little use if the coalition itself, or issue it was advocating, were unattractive for one reason or another. Hence the third reason why the coalition should have expected to be successful

as the landmine debate wore on -- it was credible and had a good issue that was difficult to oppose.

A Credible Coalition with a Winning Issue

The landmine ban coalition was not only well organized and politically astute, but it was very attractive as well. The coalition appealed to a broad cross section of society and its credibility enhanced its policy objectives. The coalition had something for everyone; many of its people wore suits, others were energetic young human rights activists, it had a distinguished US senator and Congressman on board, it included earnest wheelchair bound Vietnam Veterans, it had the active support of over a dozen retired Flag officers, and it even had a glamorous Princess for an international spokesperson.⁴⁸

It is also important to bear in mind that the landmine ban coalition within the US was a component of the international campaign to ban landmines, and this global aspect of the landmine ban effort extended its credibility as well. Not only did it allow the campaign to garner the support of international organizations and personalities, but it also served as a reminder that the ban effort was not unique to the US. The fact that several other governments were being subjected to similar pressure to ban landmines could ostensibly allay the natural fear that signing on to a landmine ban would amount to bowing to what could prove to be a passing arms control fad, and that by banning landmines the US would find itself suckered into doing away with a useful weapon that few, if any, other countries would be willing to eliminate.

But apart from the natural appeal of the coalition, the issue it was advancing was captivating as well. Advocating a ban on the use of anti-personnel landmines contains two of the three elements of a "good issue" that William P. Browne cites in his book Groups, Interests, and US Public Policy. First, the desired goal was socially preferred rather than one that benefited a narrow segment of society. And second, as its demands were set in motion, the issue brought forward a solid and multi-faceted lobbying effort.⁴⁹ Those who worked toward a landmine ban did so with an elan and sense of purpose that was infectious, confident in the fact that what they were selflessly working toward would be nothing short of a blessing for humanity.

Aside from being a benefit to the whole of humanity, the landmine ban issue was one in which success required no sacrifice from the public at large. It was non-threatening. Harmon Zeigler writes of the group theorist's doctrine which states that "every public policy helps someone and hurts someone; laws operate to the advantage of some groups and to the disadvantage of others."⁵⁰ But in this particular case of a foreign policy issue, Zeigler's doctrine does not hold. Although the landmine ban coalition was prepared to fight against an entrenched bureaucracy to achieve its goals, it did not have to concern itself with battling other competing interests who advocated the widespread use of landmines. The beneficiaries of the desired policy outcome were poor farmers in underdeveloped lands, refugees from the conflict-ridden corners of the earth, and the children of war. The landmine ban effort was not designed to reap a parochial benefit, but rather to ameliorate the suffering of the most powerless and destitute people in the world, and that made the effort hard to oppose.

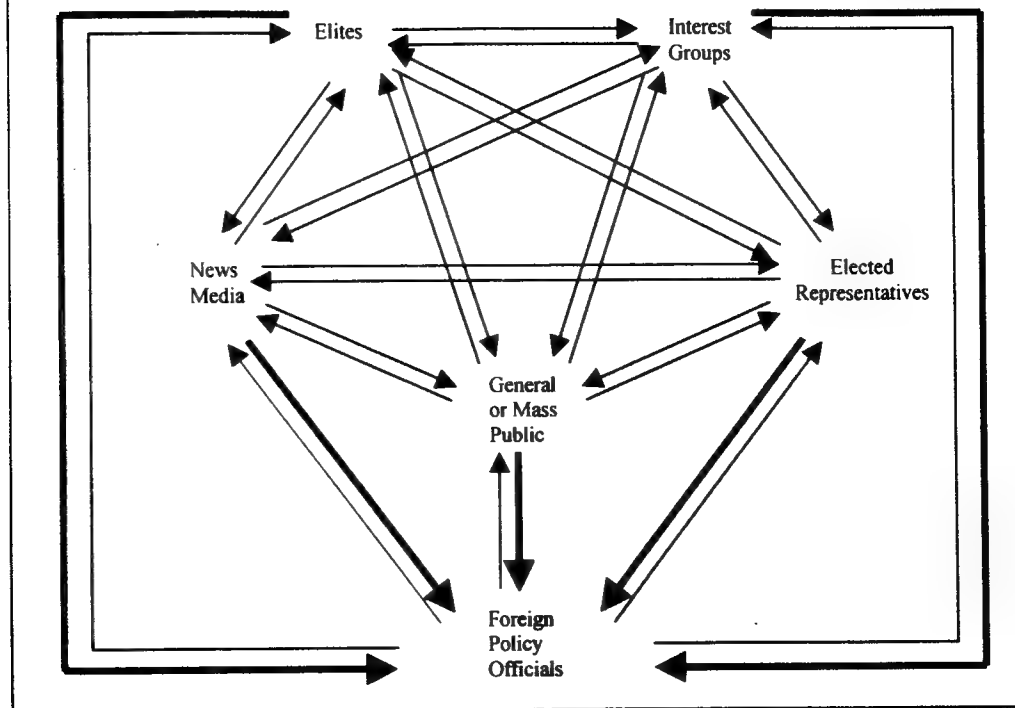
The above factors -- a credible, attractive, and well-organized interest group coalition with a winning issue -- not only made a landmine ban difficult to oppose, but also very easy to support. Therefore, the final and most crucial element in the landmine ban coalition's success was to ensure the public at large was aware of its efforts and that those efforts were painted in favorable light. This too worked disproportionately in the coalition's favor and provides the fourth and final reason why it could expect to succeed in its efforts.

The Cooperation of the Press

The landmine ban coalition, as is the case with any interest or advocacy group, had two audiences with which it had to communicate; the public at large and the policymakers who it sought to influence. The primary means of communication that the coalition relied upon to influence selected policymakers was the press. There is evidence to support that the press serves as one of the key communication channels between those within the government who formulate policy and those outside the government who seek to influence policy outcomes, and the coalition benefited greatly from the cooperation of the press in making this linkage path an integral part of the landmine ban effort.

In his study of the sources of public opinion for foreign policy makers, Phillip Powlick finds that the strongest linkage between public opinion and American foreign policy is from the news media and the Congress. There was also some support for a linkage path based upon interest groups. The weakest path he found was that from elite opinion to policymakers.⁵¹ (See table 3.2)

Table 3.2 Powlick's Hypothetical Model of Foreign Policy Linkage



Source: Phillip J. Powlick, "The Sources of Public Opinion for American Foreign Policy Officials," *International Studies Quarterly* 39, (Summer 1995): 446.

Powlick's results are important to our study of the landmine issue for two reasons. First, they are consistent with the pluralist, society-centered model of American foreign policymaking that has been asserted by a number of scholars. And Powlick agrees with Rosati in what he sees as the cause for this particular phenomenon: "Public opinion is increasingly being considered an important factor in foreign policy decisions. This comparison [with Bernard Cohen's 1973 study] finds a significantly diminished use of elite sources to represent public opinion, most likely a result of officials' sense of the 'lessons' of Vietnam."⁵²

Second, it is further proof that the news media matters in formulation of American foreign policy. As Melvin Small writes, "Despite what they say, however, it is obvious that American decision makers do think about the public as they develop their diplomatic strategies."⁵³ And one of the most vital paths from what the public thinks to what the decision-maker does is the news media.

Bernard Cohen, one of the more prolific writers on the subject of press influence on foreign policymaking, has written, "The freedom of action of the diplomat is greatly limited; he has to work with the realities of the way people interpret events. The newspaper man is of the utmost importance in this field."⁵⁴ Cohen sees the media at large as performing three vital functions in bridging the gap between the several issues being bantered about in the political milieu and the process of making foreign policy.

The first is providing policymakers with a measure of importance of events. The policymaker determines how much weight the press attaches to a particular issue in comparison with all the other issues occurring at the same time. In making this determination, the policy maker is forced to ask if the issue must be reacted to in some way. Cohen writes that the independent ordering of the importance of events done by the news media often supercedes the list of priorities drafted by officials in the State Department and other policymaking bodies.⁵⁵

The second function is related to political intelligence gathering of sorts; policymakers use the media to see what other actors in the policy process, and the public at large, are reading about particular issues. In this regard, the major Eastern papers, the New York Times and the Washington Post, are considered the standard for high quality.⁵⁶ What their reporters write is generally thoroughly researched, properly

sourced, and well written. By virtue of the fact a topic appears in their pages it becomes an important issue, but exactly what is written about the topic can safely be assumed to be a clear record of the salient issues and prevailing thought.

Sometimes events are given more exposure in the establishment newspapers than they are in local constituent papers around the country. Under that circumstance, elected officials and policymakers are left to determine whether it is safe to ignore an issue or defer action on it without serious political risk.⁵⁷ However, in the case of the anti-personnel landmine ban issue, there was a remarkable degree of accord between the newspapers of record for policymakers inside the beltway and the smaller newspapers from across the land. Editorial boards in San Antonio and Providence were examining the issue almost as closely as those in Washington and New York. And almost all were reaching the same conclusion -- the US should ban the use of all anti-personnel landmines and should lead the world to do the same. This widespread congruence of editorial opinion made the issue impossible for policymakers to ignore.

Finally, the press performs the vital function of expressing a sense of popular opinion. Cohen writes:

Opinions in the press -- especially editorial opinions, but also the views of "newsworthy" groups which are reported in news columns -- are one of the leading channels by which foreign policy officials can regularly and continuously tap an informed and articulate segment of public opinion.⁵⁸

Scholars differ somewhat on the extent to which opinions expressed in the press reflect, with any degree of accuracy, a sense of public opinion. Jerel Rosati writes, "the national media tend to provide a homogenized and centrist picture of national and

international news consistent with mainstream American political ideology and culture.”⁵⁹

Melvin Small, however, writes that in contentious foreign policy issues “the president knows that such manifestations from the opposition [such as editorials in the New York Times, demonstrations in Washington, or speeches from dissenting Senators with a dominant ‘public opinion’] do not reflect mainstream America...”⁶⁰

Cohen finds that editorials and the like are not perfect bellwethers to the national zeitgeist, but in the absence of other consistent indicators of the public’s mood, the media provides a daily sense of the ebb and flow of foreign policy thought throughout the nation. Cohen sums up the overall impact of the press on foreign policy with this quote:

The newspaper is a source of a daily “feel” as to what is going on, and the public reaction to it. Your vision of the world comes at you from the paper, it hits you at breakfast.⁶¹

It is clearly evident that the press not only weighed in heavily on the landmine issue, but that it did so in favor of the landmine ban interests. The coverage of the topic from reporters ensured it eclipsed several other potential foreign policy issues that could have taken center stage at the time. Editorial opinions from the Eastern establishment papers of record gave policymakers some indication of the prevailing mood on the issue. And the sheer volume of editorials on the topic from papers large and small from across the country ensured that the issue could not be safely ignored.

Summary

The special interest coalition deftly used every available resource at its disposal to maximize its influence on the policymaking process. The natural attributes of the coalition as well as its global nature enhanced its credibility within policymaking circles, and the attractiveness of the issue it was advancing made it easy to support. It had a President sympathetic to its cause, and the coalition applied constant pressure on him to ensure that precious momentum would not be lost. The coalition had the visible support of the press in its endeavor as well; both the Eastern establishment papers to which policymakers look for indicators of the importance of issues, and nationwide papers who served to ensure the issue could not be ignored. And most importantly, all of this was accomplished in a political environment in which special interests hold a significant amount of influence in the making of US foreign policy.

However, when the final US anti-personnel landmine policy was announced on May 16th 1996, it was nothing close to what the landmine ban coalition had hoped for. The optimism of the early spring gave way to the political realities of foreign policymaking, and therein lies the most fascinating aspect of this particular episode in US foreign policymaking. In spite of its formidable strength, and the many attributes of the American political system that worked in its favor, the landmine ban coalition failed to achieve what it set out to accomplish. Determining why that happened provides a valuable window in the realities of the making of American foreign policy.

End Notes

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³ Frank Baumgartner and Beth Leech, Basic Interests: The Importance of Groups in Politics and in Political Science (Princeton: Princeton University Press, 1998), 25.

⁴ Donald Blaisdell, American Democracy Under Pressure (New York: The Ronal Press Company, 1957), 61.

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⁶ Jerel Rosati, The Politics of United States Foreign Policy (Orlando: Harcourt Brace College Publishers, 1993), 428.

⁷ Baumgartner and Leech, Basic Interests, 28.

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⁹ William P. Browne, Groups, Interests, and US Public Policy (Washington DC, Georgetown University Press, 1998), 28.

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¹¹ David B. Truman, The Governmental Process (New York: Alfred A. Knopf, 1962), 37.

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¹⁴ Burdett Loomis, "Coalitions of Interests: Building Bridges in the Balkanized State," in Interest Group Politics, Allan Cigler and Burdett Loomis eds. (Washington D.C.: CQ Press, 1986), 259.

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¹⁶ Rosati, Politics, 428.

¹⁷ Ibid.

¹⁸ U.S. President, Public Papers of President William Jefferson Clinton (Washington, DC: US Government Printing Office, 1994), 1629.

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²⁰ Mary McGrory, "Clinton's Duty to Command the Pentagon," Washington Post, 21 April 1996, sec.C, p. 1.

²¹ Jonathan C. Smith, "Foreign Policy for Sale? Interest Group Influence on President Clinton's Cuba Policy, August 1994," Presidential Studies Quarterly 28, (Winter 1998): 210.

²² Anthony Hartley, "The Clinton Approach: Idealism with Prudence," The World Today, (February 1993): 29.

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²⁴ John Spanier and Eric Uslaner, American Foreign Policy Making and the Democratic Dilemmas (New York: Holt, Reinhart, and Winston, 1985), 85.

²⁵ Jerel Rosati, "United States Leadership into the Next Millenium: A Question of Politics," International Journal LII, (Spring 1997): 298.

²⁶ Peter J. Shraeder, "Bureaucratic Incrementalism, Crisis, and Change in US Foreign Policy Toward Africa," in Foreign Policy Restructuring: How Governments Respond to Global Change, Jerel Rosati et.al., eds. (Columbia, University of South Carolina Press, 1994), 124.

²⁷ I.M. Destler, Anthony Lake, and Leslie Gelb, Our Own Worst Enemy: The Unmaking of American Foreign Policy (New York: Simon and Schuster, 1984), 86.

²⁸ Open Letter to the President, New York Times, 3 April 1996.

²⁹ Willard Richan, Lobbying for Social Change (New York: Haworth Press, 1991), 51.

³⁰ Ibid., 69.

³¹ Kegley and Wittkopf, American Foreign Policy, 21.

³² Martin J. Smith, "Pluralism, Reformed Pluralism and Neopluralism: the Role of Pressure Groups in Policy-Making," Political Studies 38, (Summer 1990): 308.

³³ Kegley and Wittkopf, American Foreign Policy, 334.

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³⁵ M. Smith, "Pluralism," 306.

³⁶ Melvin Small, "Public Opinion," in Explaining the History of American Foreign Relations, Michael Hogan and Thomas Patterson eds., (Cambridge: Cambridge University Press, 1991), 173.

³⁷ Rosati, Politics, 554-557.

³⁸ *Ibid.*, 308.

³⁹ Jennifer Cunningham and Michael Moore, "Elite and Mass Foreign Policy Opinions: Who is Leading this Parade?," Social Science Quarterly 78 (September, 1997): 642.

⁴⁰ Aaron L. Friedberg, "Why Didn't the United States Become a Garrison State?," International Security 16, (Spring 1992): 110.

⁴¹ Thomas Risse-Kappen, "Public Opinion, Domestic Structure, and Foreign Policy in Liberal Democracies," World Politics 43, (July 1991): 487-491.

⁴² Phillip J. Powlick, "The Attitudinal Bases for Responsiveness to Public Opinion Among American Foreign Policy Officials," Journal of Conflict Resolution 35, (December 1991): 634.

⁴³ Peter J. Katzenstein, "Domestic and International Forces and Strategies of Foreign Economic Policy," International Organization, (Spring, 1977): 602.

⁴⁴ G. John Ikenberry, David Lake, and Michael Mastanduno, "Approaches to Explaining American Foreign Economic Policy," International Organization 42, (Winter 1988): 7.

⁴⁵ Schraeder, "Bureaucratic Incrementalism," 113.

⁴⁶ Robert Reich, "He Scorned a Nation's Trust," New Statesman, 4 September 1998, 15.

⁴⁷ Mintz, "Shalikashvili Awaits Study," Washington Post, 1 April 1996, p. 11.

⁴⁸ Sarah Walkling, interview by author, by telephone, Columbia, SC., 7 January 1999. Sarah's comment goes a long way toward explaining how this issue did not get pigeonholed as just another example of "peacenik" arms control. She cites the "Princess Diana Effect" of making the issue glamorous for the public at large. Although her perception is correct, Princess Diana did not become heavily involved in the issue until after the announcement of the US policy. Therefore, I mention it in passing as an element of the issue's popular appeal, but do not include it as a significant factor in the policymaking process in the US through May 16th 1996. After the death of Princess

Diana in the summer of 1997, Jordan's Queen Noor announced that she would assume a greater role in raising worldwide awareness of anti-personnel landmine use.

⁴⁹ Browne, Groups, 190.

⁵⁰ Harmon Zeigler, Interest Groups in American Society (Englewood Cliffs: Prentice-Hall, 1964), 23.

⁵¹ Phillip J. Powlick, "The Sources of Public Opinion for American Foreign Policy Officials," International Studies Quarterly 39, (Summer 1995): 446.

⁵² *Ibid.*, 427.

⁵³ Small, "Public Opinion," 169.

⁵⁴ Bernard Cohen, "Foreign Policy-Makers and the Press," in Readings in the Making of American Foreign Policy, Andrew Scott and Raymond Dawson, eds., (New York: The Macmillan Company, 1965), 138.

⁵⁵ *Ibid.*, 138-139.

⁵⁶ *Ibid.*, 140.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*, 141.

⁵⁹ Rosati, Politics, 509.

⁶⁰ Small, "Public Opinion," 175.

⁶¹ Cohen, "The Press," 141.

Chapter Four

A Surprising Result: Why the Landmine Ban Effort Failed

Margaret Mead once said, "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has."¹ On May 16th 1996, the countless members of the landmine ban coalition within the US were saddened to discover that Margaret Mead was wrong. The enormous amount of effort they had put forth to convince the US government to ban anti-personnel landmines had yielded a surprising and disappointing result.

Why did the US government not bend to the societal pressure? In simplest terms, the forces for change, formidable as they were, failed to overcome the forces for the status quo. There is evidence to support the position that those factors working to the advantage of the landmine ban coalition are in reality less influential than pluralist or society-centered models of foreign policymaking assert. Similarly, some scholars of American foreign policy, while acknowledging the pervasive influence of societal factors in the making foreign policy, assign a greater level of power to the state in shaping the final outcome of the policymaking process. And in this case, the state was happy with its anti-personnel landmine policy.

The interplay between those two forces -- societal and governmental -- is the central theme of the landmine ban issue. And the counterintuitive outcome of the clash between special interest and bureaucracy in the case of anti-personnel landmines reveals yet another interesting facet of American foreign policymaking.

The Limited Power of Societal Pressure

As we have seen, the structure of the US government and American political culture invite a great deal of influence from societal pressures such as special interest groups and interest group coalitions. However, that power is not unlimited and in this particular case it appears it was not strong enough to push the landmine ban coalition's goals over that great wall between ideal and implementation.

Although interest groups can indeed influence a President's foreign policy, the strength of that influence can sometimes be exaggerated.² The American political system is much more than an aggregate of disparate interest groups. The national government and its several policymakers fill important roles, from agenda setting to policymaking and implementation.³ And each of the separate policymaking organs within the national government has interests too. Martin Smith writes:

Pressure groups do influence policy and change perceptions, but they do so within the context of the state's interests, external constraints, the organization of policy-making and structural power. As reformed and neopluralists point out, pluralism remains possible in policy-making but only in certain circumstances.⁴

Ikenberry, Lake, and Mastanduno see the centrality of the state in explanations of foreign policymaking as an emerging theme in the study of American foreign policy:

[In] American social science, as Theda Skocpol points out, the state traditionally has not been granted causal primacy, in deference to the dominance of society-centered perspectives. Within the last ten years, however, there has been a strong revival of interest in the state, partly because we have come to recognize the limited explanatory power of more traditional pluralist and Marxist approaches.⁵

Finally, Risse-Kappen expresses the limitations on the power of the many in influencing the process of making policy, an endeavor undertaken by the few. In his comparison of four liberal democracies, he writes:

[There] are discernible limits to the impact of the general public on foreign and security policies. Rarely does general public opinion directly affect policy decisions or the implementation of specific policies. In sum, the bottom-up and top-down models are too simplistic to fit the reality in the four countries.⁶

Although in general terms the structure of the US government creates an environment conducive to the influence of societal forces in the policymaking process, that influence does not hold across all situations. In fact, as in the case of an anti-personnel landmine ban, the still powerful state often exercises its prerogatives and turns back the interest group influence in favor of its own policy preferences.

A Winning Issue that Didn't Win

The landmine ban coalition had all the benefits of putting forward a winning issue, and there is little argument that seeking a ban on anti-personnel landmines is a worthy goal. But although the change the coalition was seeking was commendable, it was change nonetheless -- and therein lies the difficulty of achieving success.

Groups that seek to spark a radical change of some kind have their greatest chance of success on issues that have a great deal of salience and domestic political visibility. Conversely, for those issues that have low public visibility, it is almost impossible for such groups to infuse the public at large with the same level of passion they feel. Thus it becomes highly unlikely that groups seeking change are able to break through the barriers of a generally complacent public, an entrenched bureaucracy, and the comfort that both receive from the status quo.⁷

As we have seen, while the landmine ban issue received an enormous amount of coverage from the press, it still never generated the widespread public support of a social movement, nor did it seem to touch the average American to the extent that a grass roots

effort took shape. The great deal of visibility the coalition brought to the devastation wrought by anti-personnel landmines was never translated into widespread and tangible public action and therefore was insufficient to break through the pervasive cultural and institutional barriers to change in US foreign policy.

The not only did the landmine ban coalition have the disadvantage of the uphill struggle of change, but it also was hampered by the fact that it had no direct counterpart within the government to facilitate its access to the policymaking apparatus. In some cases, interest groups benefit from close relationships with governmental counterparts.⁸ These administrative escorts serve to help interest groups gain access to decisionmakers, increase their influence within the government, and help guide them through a complicated and Byzantine bureaucracy.

The landmine ban coalition had no such help. Senator Leahy's substantial efforts notwithstanding, it remained essentially a group of outsiders attempting to bring radical change under conditions where change can be difficult. In the final analysis, the coalition was never able to overcome the reality of lobbying for social change that Willard Richan stated so well, "The burden of proof is on anybody proposing a change in policy."⁹ And in this case, the burden was obviously too great.

The press undoubtedly served a valuable role in communicating the desires of the coalition to the public at large as well as to policymakers. However, when policymakers are judging the salience of issue from the press, it is not completely clear that they truly understand what is being said or if, in some cases, it even matters.

Jennifer Cunningham and Michael Moore's study of elite and mass foreign policy opinion reveals two interesting findings. First, they find that elites are generally

unable to accurately perceive mass opinion, and they tend to believe (incorrectly) that the opinions of the masses are closer to their own than is actually the case. And second, even when elites think they have an accurate picture of mass opinion, they do not always position themselves closer to the view of the masses. In fact, they often choose to be significantly different.¹⁰

Melvin Small writes that although the influence of the press and public opinion is widely acknowledged in American policymaking, "rarely does one find evidence in the archives of the public opinion factor directly entering the policy process..."¹¹ Although Small's assertion is a bit overstated, his point is valid -- public opinion is not a consistent source of influence in the policymaking process throughout all issues and across time. As with all other determinants of policymaking, the influence of the press and public opinion rises and falls based upon a variety of factors, not the least of which is the nature of the issue at hand.

The Solidarity of the Bureaucracy

The publication of Graham Allison's Essence of Decision forever changed the way scholars of American foreign policy view the policymaking process within the bureaucracy.

Allison's Model III, The Governmental (Bureaucratic) Politics Model, has become the prevailing view of the policymaking process and its consequences. Allison sums up his view of the political nature of the policymaking process as follows:

Men share power. Men differ about what must be done. The differences matter. This milieu necessitates that government decisions and actions result from a political process. In this process, sometimes one group committed to a course of action triumphs over other groups fighting for other alternatives. Equally often, however, different groups pulling in different directions produce a

result, or better a resultant -- a mixture of conflicting preferences and unequal power of various individuals -- distinct from what any person or group intended. In both cases, what moves the chess pieces is not simply the reasons that support a course of action, or the routines of organizations that enact an alternative, but the power and skill of proponents and opponents of the action in question.¹²

Robert Putnam similarly sees a fragmented policymaking apparatus as a feature of the structure of the US government, with key decisionmakers and the organizations they represent holding divergent views on the means and ends of fundamental policy decisions. Consequently, Putnam argues that referring to a "state-centric" model of the policymaking process, as Ikenberry, Lake, and Mastanudo do, risks thinking of states as unitary actors which, in fact, they are not. Putnam writes, "on nearly all important issues, 'central decisionmakers' disagree about what the national interest and the national context demand."¹³

Finally, Hilsman characterizes the US policymaking process as a rough and tumble gambol that is, in sum and substance, political in nature:

[The] making of national decisions is not a problem for the efficiency expert, or of assembling different pieces of policy logically as if the product were an automobile. Policy faces inward as much as outward, seeking to reconcile conflicting goals, to adjust aspirations to available means, and to accommodate the different advocates of these competing goals and aspirations to one another. It is here that the essence of policy-making seems to lie, in a process that is in its deepest sense political.¹⁴

It is clear that such a chaotic policymaking environment within the bureaucracy would logically increase the chance for interest groups and societal pressures to have a greater level of influence. Such extra-governmental actors could ostensibly exploit cleavages within a splintered bureaucracy to their comparative advantage and see to it that their viewpoint is heard and considered.

But there is no evidence that the bureaucracy was subject to such fissures in the anti-personnel landmine issue. The two major government agencies directly responsible for landmine policy, The Departments of State and Defense, complemented one another nicely as they stood together in opposition to any significant change in US policy.

The State Department made its feelings on the subject known at the publication of Hidden Killers in early 1995. The position established in that document -- that anti-personnel landmines are legal instruments of warfare, that the irresponsible and indiscriminate use of such weapons are the true cause of the global landmine crisis, that US anti-personnel landmine use sets the standard for responsible behavior, and that the US was willing to embrace measures to alleviate the landmine problem short of a total ban -- remained remarkably consistent throughout the entire landmine debate.

State brought its position to the bargaining table during the CCW review process in late 1995 and early 1996. When the amended landmines protocol was initialed in the spring of 1996, it represented what the US had desired out of the process; tighter restrictions on landmine use without an outright ban.

That was fine with the Defense Department as well as the Uniformed Services. During the CCW review process, State never gave more ground on the issue than Defense was willing to allow. When the internal landmine review, ordered by the Chairman of the Joint Chiefs, was complete, the Joint Chiefs were willing to forswear the use of non-self-destructing "dumb mines" except for the defense of the Korean peninsula. But, they fiercely wanted to retain the right to use self-detonating "smart" mines when and where they see fit. Both positions were completely inline with what the

State Department had expressed in Hidden Killers and subsequent statements and, more importantly, what they succeeded in having codified in the CCW.

The interaction between the State Department and Department of Defense may indeed have had some of what Allison called the “pulling and hauling that is politics.”¹⁵ However, when the time came to settle upon a policy, the bureaucracy deliberately stood together behind the policy that the President signed on May 16th. There is no evidence to support the characterization that Allison, Hilsman, Putnam, and others have assigned to the bureaucracy -- a chaotic and almost haphazard stew of competing interests and uncertain outcomes dominated by a political rather than a rational process. Rather, the bureaucracy displayed a remarkable level of solidarity and consistency of action in the anti-personnel landmine issue, thus removing the opportunity for the landmine ban interests to capitalize upon the tumult.

The Power of the Presidency in Perspective

Having the President seemingly in agreement with its goals, at least in theory, seemed to provide a boost to the landmine ban coalition. But it too was not enough. Having the President agree with its motives was not as great an advantage for the coalition as it might appear and it most certainly was no guarantor of victory.

Just as the Vietnam War led to a change in the power of elites to control foreign policy making, the end of the Cold War has led to a similar change in the stature of the Presidency.¹⁶ Although he remains at the center of the foreign policymaking apparatus, his influence has nonetheless waned as the high politics of Cold war security policy have

given way to more complex and less monumental foreign policy issues. Jerel Rosati writes:

Clearly, the President is not nearly as powerful as many people assume. Although the President of the United States is powerful, his power is not so great as the popular stereotype would have it, even in the area of foreign policy. Such is the state of Presidential power as the United States approaches the twenty-first century.¹⁷

Some scholars argue that presidents have never really possessed the power that the conventional wisdom assigns them, even during the height of the Cold War. In 1967, Roger Hilsman wrote:

[In] spite of the great power they yield, presidents can very rarely command, even within what is supposedly their most nearly absolute domain, the Executive Branch itself.¹⁸

In either case, in 1996 the landmine coalition held an empty prize; it seemed to have the tacit support of the President, but the President is no more or less than the office he holds with all its attendant power and limitations. And today Presidents have less control than ever over policy outcomes, both foreign and domestic.¹⁹

Individuals and Roles

A final explanation for the counterintuitive result of the landmine ban debate is revealed in an incident that occurred shortly before the May 16th policy was announced.

At a White House dinner held to raise money for the Franklin Delano Roosevelt memorial, the Vietnam Veterans of America plopped down \$60,000.00 for a table and Bobby Muller used the opportunity to have a word with the President. Muller, along with General Jones, buttonholed Clinton for a 10-minute audience on the landmine ban issue. Muller reported that while the President expressed to him his support for a landmine ban, he was concerned about causing a rupture in the military.²⁰ Days later, the

final landmine policy was announced and an unsightly row with the military was forestalled.

The White House dinner incident is a case of the impact that a policymaker's role plays in the decisions he or she makes, and the tradeoffs policymakers are forced to confront in difficult policy issues.

Role theory maintains that the position a policymaker occupies in the government is the decisive influence in that policymaker's decision making behavior, and even eclipses that individual's personal desires and preferences. Kegley and Wittkopf write, "each policy-making role carries with it certain expectations, obligations, and images of appropriate behavior -- pressures that push the new occupant of an office to think and act like his or her predecessor."²¹

This theory is buttressed by the fact that individuals do not assume their roles in a vacuum, but rather occupy those roles as part of a bureaucracy that existed before they assumed their offices, and will likely remain long after they leave government service. The demand for individuals to behave in a certain fashion within the context of role theory is therefore a result of the function each performs within the bureaucracy as well as the place each person occupies within a greater government with all its attendant goals and expectations.

David Truman recognized this phenomenon and maintained that the pull of the expectations of a position is strong enough to overcome the influence of special interest pressure, especially in contentious issues:

In more controversial situations the administrator knows that he can reject or modify the claims of more narrowly based but highly organized interest groups that clearly conflict with the demands of office.²²

The President, and it could be similarly argued Ambassador Albright and General Shalikashvili, at particular times and by various means expressed a personal desire to see landmines wiped from the face of the earth. However, agreement with an abstract policy concept holds much less weight when the hard reality of policymaking is faced and tradeoffs must be made to bring a commendable ideal to life.²³

Once the final policy was announced, the press immediately rushed to vagaries of domestic politics as the explanation for the President's decision to side with those within the foreign policy bureaucracy who wanted fewer restrictions on landmine use against the special interests who so vociferously pushed for change.

It was widely believed that Clinton had made a logical calculus in his mind that the threat of bucking the desires of the military would raise old demons of Clinton's purported anti-military bias.²⁴ Further, the likely political damage inflicted by a charge of selling out the safety of US troops in the name of arms control was greater than any likely political threat proposed by the much narrower sector of the public that passionately supported a landmine ban. The explanation seemed logical at the time simply because we have come to believe, and there is empirical evidence to support the notion, that the public will support an incumbent if they receive good policy outcomes, and will punish those at the ballot box who behave counter to their desires.²⁵ And the number of voters who kept a close eye on Clinton's treatment of the military was simply larger than those who kept a close eye on the landmine issue, especially as his reelection fight against war hero Bob Dole drew closer.²⁶ Popular opinion about the President's relationship with the military appeared to be more important than the narrow issue of landmines, a situation consistent with Martin Smith's assertion that "[it] is rare for a

single issue to sway the votes of a large number of people.”²⁷ As Sarah Walkling points out, “no one was going to vote against Clinton because he didn’t support a landmine ban.”²⁸

Domestic politics likely did play a part in Clinton’s decision, but the reason for the outcome of the landmine debate lies a bit deeper. In simplest terms, when the time came to make the final decision on the future of US anti-personnel landmine policy, Clinton the Commander-in-Chief, upon whose shoulders rests the final authority of government, was in conflict with Clinton the activist President who was personally receptive to the idea of an anti-personnel landmine ban. And the Commander-in-Chief prevailed.

Some Competing Models of Foreign Policymaking

Placing the series of events and outcomes in the landmine ban issue in a proper context calls us to examine some various models of US foreign policymaking. John Spanier and Eric Uslaner, Peter Schraeder, and James Rosenau, each offer different models that posit three distinct perspectives on the foreign policymaking process. Their three models were chosen primarily because they specifically address the interaction between societal pressures and the policymaking bureaucracy. All three identify, to varying degrees of detail, the various determinants of American foreign policy and measure their influence in the policymaking process. Additionally, each attempts to explain the conditions under which the majority of the influence in foreign policymaking leans in favor of either societal pressures or bureaucratic prerogatives in bringing about continuity or change in American foreign policy.

Before examining the three models, we must be clear about the proper use of the word *crisis* in the context of the landmine issue. The societal pressure brought to bear in favor of a ban on anti-personnel landmines clearly presented the Clinton Administration with a *political crisis*. Adapting Hermann's definition of a crisis to the interaction between the landmine ban coalition and the foreign policy bureaucracy illuminates what was at stake as the events of the landmine ban debate unfolded over time. In this case, policymakers were forced to make a decision in a relatively short period of time, the status quo was being challenged by a broad-based and aggressive interest group coalition, and the likelihood for change in a specific foreign policy appeared to be high, indeed expected.²⁹

However, the landmine ban issue was not *national security crisis* in the sense that the Cuban Missile Crisis, the Iranian Hostage Crisis, or the Iraqi invasion of Kuwait were crises. During the landmine ban debate, the security of the United States was not in peril, and there was no direct threat to the safety of Americans at home or abroad. Defense Secretary Perry did attempt to paint a potential ban on landmines for the defense of South Korea in such a light, asserting that in the event of a North Korean invasion, the absence of anti-personnel landmines would bring a tremendous loss of life.³⁰ However, the constant tension on the Korean peninsula notwithstanding, the direct connection between a ban on anti-personnel landmines and the immediate threat to US and allied personnel was weakened by the fact that no specific threat of invasion was present at the time.

Because each of these models distinguishes crisis from non-crisis events based upon the threat they pose to the security of the United States and not a potential political

threat to the Administration in power, the word crisis must be applied in a rather narrow sense. Therefore, for the purposes of the analysis presented here, the landmine ban issue will be considered a routine, non-crisis policymaking event, albeit one that could not be ignored by policymakers and that required their action in a short period of time.

Spanier and Uslaner's Decisionmaking Model

Spanier and Uslaner distinguish between two modes of foreign policy decisionmaking; rational and bureaucratic/governmental politics, and the four types of policy outcomes under which each is expected to prevail; crisis policies, noncrisis security policies, intermestic policies, and domestic policies. (See table 4.1)

Table 4.1 Spanier and Uslaner's Foreign Policy Decision-making Model			
<i>Rational decision-making</i>		<i>Bureaucratic/governmental</i>	
Crisis Policies	Noncrisis Security Policies	Intermestic Policies	Domestic Policies
<div style="text-align: center;"> <p>Increasing number of actors and bargaining involved in the policy-making process; less presidential leadership</p> <p>Fewer participating actors; increasing presidential freedom and leadership</p> </div>			

Source: John Spanier and Eric Uslaner, *American Foreign Policy Making and the Democratic Dilemmas* (New York: Holt, Reinhart, and Winston, 1985), p. 7.

The authors assert, "Crisis policy is made by the few deciding rationally; other policies by the many arriving at a decision politically."³¹ They further distinguish crisis policies from other categories of policies thusly:

Crisis policy focuses on the external situation confronting the nation and on finding a correct response in the sense that after a full examination of the alternative ways in which the national security or welfare can be protected in the situation at hand, the most effective means which will achieve that goal at the least possible cost is chosen.³²

Spanier and Uslaner see a direct correlation between a particular policy's domestic nature and the number of actors involved in its formulation. The farther an issue moves from being a crisis and the closer it moves to a routine domestic issue, the less freedom of action a President has in deciding upon the policy outcome and the more the societal influences hold sway.

Drawing a thick and meaningful line between domestic and foreign policy is a difficult undertaking.³³ Spanier and Uslaner indicate there is a bridge between policies that belong in the realm of purely foreign policy, where the President has the most influence, and those that belong in the domestic arena, where the number of individuals in the policy making process increase. They call such issue *intermestic*, which they define as policies that are a mixture between international and domestic policies.³⁴

Intermestic policy issues, a fairly recent phenomenon in American politics, have both foreign and domestic components and consequences. The emergence of such issues reflect an erosion of the Cold War dictum that politics stops at the waters edge, and that Presidential primacy in the life and death consequences of foreign affairs should be immune from the partisan pugilism that characterizes domestic political discourse.³⁵

Applying Spanier and Uslander's model to the landmine ban issue reveals a somewhat surprising result -- their model does not hold in this case. The issue of the US acceding to a ban on anti-personnel landmines was indeed an intermestic policy issue. It had strong domestic components including the actions of the landmine ban coalition and the impending presidential election. The issue had equally strong international components as well; the international campaign to ban landmines, the acceptance of unilateral bans by several close US allies, the revision of the Convention on Conventional Weapons, and US security commitments on the Korean peninsula and elsewhere.

However, according to Spanier and Uslander's model, intermestic policy issues are characterized by increased influence of various actors in the creation of policy and thus a decreased level of presidential leadership. And for a period of time, early in the process of the creation of a new anti-personnel landmine policy, this was in fact the case. However, when the process was complete and a new policy was announced, the outcome was the opposite of what Spanier and Uslander's model predicts. The President, although cognizant of the special interests, chose to side with the military and foreign policy bureaucracy and turn back the societal tide pushing the US toward a landmine ban, displaying a greater level of latitude in making his final decision than Spanier and Uslander would assign him under the conditions. In short, President Clinton did not behave as Spanier Uslander's model indicates he should have given the circumstances. Rather, he behaved more in accordance with David Truman's picture of Presidential decisionmaking from The Governmental Process; in a controversial issue, he rejected the

claims of a narrowly based but highly organized coalition of interest groups that conflicted with the demands of his office.³⁶

Schraeder's Model of Pattern and Process

Peter Schraeder's model of pattern and process in US foreign policymaking goes even farther than Spanier and Uslaner's simpler model and provides a useful framework for understanding the conditions under which change or continuity can be expected in American foreign policy. Schraeder examines the various determinants of foreign policy and their relative influence on the policy process by placing them in the environment in which the policymaking process took place. However, unlike Spanier and Uslaner's model, Schraeder also examines the probable outcomes of the policymaking process resulting from the interplay among the several different determinants and the environments in which they have influence.

Schraeder argues that foreign policy decisionmaking under routine, noncrisis conditions tend to be dominated by the bureaucracy. He characterizes the process of policymaking as following Allison's bureaucratic politics model whereby policy outcomes (or resultants) spring from the struggles among bureaucratic actors within the policy arena.³⁷ Therefore, Schraeder sees the organizational missions of actors within the bureaucracy as being the major determinants in policy outcomes. (See table 4.2)

Table 4.2

Schraeder's Pattern and Process in Foreign Policymaking

	Domestic Environment		Continuity and Change	
	Policy Process	Policy Determinants	Outcome	Chance for Change
Extended Crisis	Domestic Politics	Societal Interest	Uncertainty	High
Crisis	Presidential Politics	Administration Worldview	Uncertainty	High
Routine	Bureaucratic Politics	Organizational Missions	Incrementalism	Low

Source: Peter J. Schraeder, "Bureaucratic Incrementalism, Crisis, and Change in US Foreign Policy Toward Africa," in *Foreign Policy Restructuring: How Governments Respond to Global Change*, Jerel Rosati et al., eds. (Columbia, University of South Carolina Press, 1994), p. 134.

Schraeder posits an intricate relationship among the level of crisis, the number of actors involved in the policymaking process, and the outcome of the policymaking process. In an acute crisis, the policymaking circle is tight and presidential politics prevails. Under an extended crisis, the circle widens greatly, domestic politics plays a decisive role and societal interests are the major determinants are societal interests.

Both conditions represent two extremes in process. On one end of the spectrum the President and a few trusted elites create policy, and on the other a multitude of domestic political and societal forces serve as the major policy determinants. But according to Schraeder, both situations produce the same result. A President acting with broad latitude or a multitude of societal forces exerting pressure from different directions

both create the conditions for uncertain outcomes. Similarly, the volatility of crisis situations often brings radical policy change.

Compare this with what Schraeder sees as the policymaking process under routine conditions. Under these conditions, bureaucratic politics prevails and organizational missions are the preponderant variables affecting the policy outcome. Because of the heavy role of the bureaucracy under this condition, the policy outcome favors incrementalism and the likelihood of change is low. Schraeder writes that under routine conditions, "the best predictor for future policy is current policy."³⁸

Schraeder's model comes closer than any other in explaining the circumstances and results of the landmine ban debate. The landmine ban issue was a routine, noncrisis, foreign policymaking event. And consistent with Schraeder's model for such conditions, in the creation of landmine policy the bureaucracy held sway. The radical change desired by the landmine ban coalition was unlikely under the circumstances according to Schraeder's model, and that in fact was the case. Additionally, although there appeared to be an almost complete absence of an Allisonian bureaucratic tug of war over the issue, the incremental change that Schraeder sees as the result of the primacy of the bureaucracy in the policymaking process was in fact the eventual outcome of the landmine ban debate. The resulting policy promised smaller steps toward the eventual elimination of all anti-personnel landmines, but no significant change in US policy. In US landmine policy, the past was prologue.

Rosenau's Five Variables of Foreign Policy Behavior

James Rosenau offers yet another perspective on the determinants of American foreign policy in his classic examination of the separate variables that contribute to foreign policy behavior.

Rosenau divides states into separate categories based upon each state's physical size and resources (large or small), by its economic characteristics (developed or underdeveloped), and by its political system (open or closed). For each type of country, Rosenau identifies the relative strength of five different determinants of foreign policy behavior based upon their influence in the policymaking process. (See table 4.3)

As we have seen, *Role* refers to the impact of an office on the behavior of its occupant. The *Societal* variable refers to those non-governmental aspects of a state's political system that influence its foreign policy behavior. Likewise, the *Governmental* variable refers to the structural aspects of a state's government that affect its foreign policy behavior. The *Systemic*, or external variable, refers to the characteristics of the international system which affect the behavior of the actors within it, both state and non-state. Finally, the *Individual* variable refers to the distinguishing attributes of the decisionmakers themselves, from personal preferences to previous experiences, that shape that individual's personality and drive his or her political behavior.³⁹

Table 4.3 Rosenau's Ranking of Five Variables in Foreign Policy Behavior								
Geography and physical resources	Large Country				Small Country			
State of the economy	Developed		Underdeveloped		Developed		Underdeveloped	
State of the polity	Open	Closed	Open	Closed	Open	Closed	Open	Closed
Rankings of the variables	Role Societal Governmental Systemic Individual	Role Individual Governmental Systemic Societal	Individual Role Societal Systemic Governmental	Individual Role Governmental Systemic Societal	Role Systemic Societal Governmental Individual	Role Systemic Individual Governmental Societal	Individual Systemic Role Societal Governmental	Individual Systemic Role Governmental Societal
Illustrative examples	U.S.	U.S.S.R.	India	China	Holland	Czechoslovakia	Kenya	Ghana

Source: James Rosenau, "Pretheories and Theories of Foreign Policy," in The Scientific Study of Foreign Policy, James Rosenau, ed., (New York: Nichols Publishing Company, 1980): 133.

One of the reasons that Rosenau's model has persisted for so long is that it provides a simple yet useful framework for examining the relative strength of the various determinants of foreign policy. However, his model suffers from three significant shortfalls. First, it is dated (published in 1980) and therefore includes, as illustrative examples, states that no longer exist. This may enhance its value as a historical model, but necessarily detracts from its comparative analytical merit. Similarly, the end of the Cold War brought monumental changes to the international system as well as certain aspects of US policymaking, such as the power of the presidency and the influence of elites. However, we should not be too quick to toss Rosenau's model into the dustbin of

history altogether. Rosenau's model is general enough to be of certain value even in the transformed post-Cold War era. Monumental as the changes of the past decade have been, the essential nature of the US political system remains in tact. The US remains a large country, rich in resources, with a developed economy and an open political system. And these are the general attributes upon which we will focus in applying his model.

Second, it is extraordinarily difficult to draw a meaningful line between Rosenau's role and governmental variables. As we have seen, individuals occupy roles as part of bureaucracies, and bureaucracies are the pilings upon which the structure of government is sustained. The function of government is made possible only by individuals fulfilling their roles and working on the government's behalf. Therefore, separating the strands of governmental and role variables becomes a difficult task.

One way to do so is to dissociate, at least in the abstract, those aspects of the policy process that are highly dependent upon individual performance, such as agenda setting and policy formulation, and those that are generally accomplished by the government as an entity in and of itself, such as policy implementation and feedback. Another is to consider roles in the active sense -- people shaping events in accordance with the expectations heaped upon them by the offices they occupy, and consider the governmental variable in the passive sense -- the medium in which these many role-occupiers perform their functions as part of a greater governmental whole.

The third major shortcoming of Rosenau's model is that it has limited value in the explanation of the development of foreign policy over time. Foreign policy formulation takes place in distinct phases.⁴⁰ Therefore, one must assume that in each of these distinct phases, some determinants are going to weigh more heavily than others,

and that the relative influence of certain determinants will rise or fall as a policy moves from agenda-setting through policy implementation. In this case, the issue of an anti-personnel landmine ban unfolded over a 20-month period beginning when President Clinton placed it on the foreign policy agenda during his UN Speech in October 1994, until he announced the final US landmine policy on May 16th 1996.

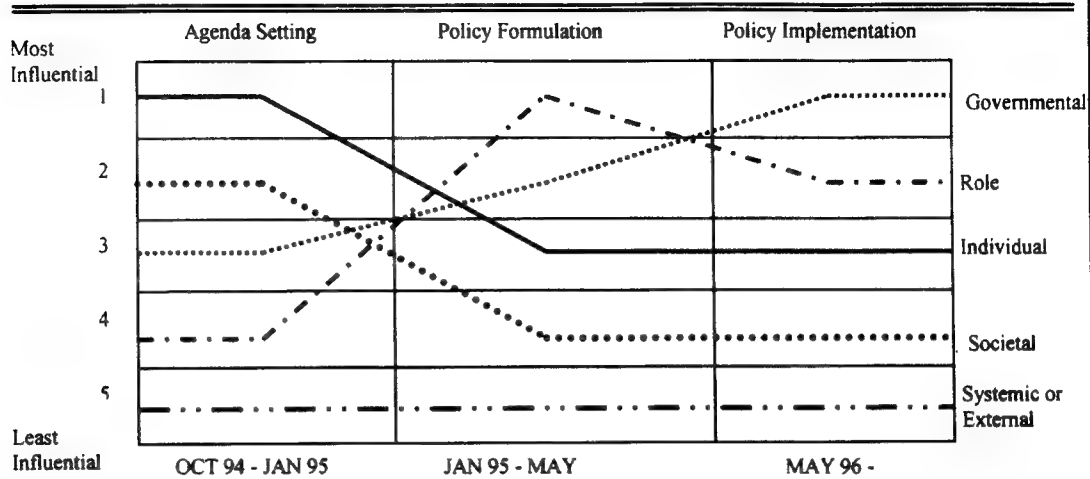
Rosenau's model, although useful for a general comparative examination of foreign policy determinants in representative examples of different countries, does not account for such change in the strength of foreign policy variables within a single country over time. Therefore, applying Rosenau's model to the case of anti-personnel landmine policy requires that we assess the strength of each determinant during the three major phases of policymaking.

Rosenau's Model Applied to the Anti-Personnel Landmine Ban Issue Over Time

Combining Rosenau's framework with the three general stages of foreign policymaking identified by Rosati -- agenda setting, policy formulation, and policy implementation -- allows us to take a closer look at how each of Rosenau's determinants influenced the creation of the Clinton administration's anti-personnel landmine policy.⁴¹ (See table 4.4)

Table 4.4

**The Strength of Rosenau's Five Variables Over Time
in the Case of US Anti-personnel Landmine Policy**



In this case, the agenda setting phase began when the President placed the issue on the foreign policy agenda with his UN speech in 1994. The policy formulation phase began with the publication of a series of State Department documents on landmine policy as it prepared for the CCW review conference in late 1995, and continued throughout the process of creating a new anti-landmine policy within the US, in which the Defense Department had the lead. And the implementation phase began with the announcement of the President's policy on May 16th 1996.

The Agenda Setting Phase. During the agenda setting phase, the individual determinant proved the most important. It was the President himself who expressed his personal desire to begin the journey leading to a global anti-personnel landmine ban, consistent with his activist personality and his openness to the consideration of radical change.

A strong societal influence -- the second most important determinant in this phase -- complemented the contribution of the President, in his capacity as an individual, in placing the landmine issue on the foreign policy agenda. The President may have lit the landmine ban fire in his UN speech, but it was the landmine ban interests who fanned the flames and ensured he would be forced to follow through on his proposal and underwrite his lofty rhetoric with concrete deeds. The President's words would have been another of a million empty throwaway lines had the societal influence not followed his talk with its action.

In the agenda setting phase, the government played a relatively minor and passive role, doing little more than providing an arena for Clinton the individual to express his ideals on the merits of a landmine ban. The structure of our government makes the President, among other things, the chief diplomat -- and it was the chief diplomat himself who tagged this particular item on the agenda. Roles made even less of a contribution than the government in this the first phase of the process. As the landmine ban issue developed over time, the difficulty of reconciling the President's individual sympathies toward a ban with the demands of his office would be made manifest. However, in the early days of the issue, these tradeoffs did not need to be confronted and the conflict between the individual and role variables pushed the role determinant well down in the scale of influence.

The external, or systemic determinant was the least influential of the five during the agenda setting phase and remained so throughout the policy formulation and implementation phases. There was, of course, a very visible international component to the landmine ban issue within the US. The landmine ban coalition attempted to increase

the importance of the external variable throughout the process by citing US leadership as the only means to affect a viable and meaningful international anti-personnel landmine ban. The bureaucracy would have none of it. Even in the face of enormous international pressure -- the international campaign to ban landmines, the pleas of the UN Secretary-General and the Pope, and the decision to renounce the use of anti-personnel landmines by close allies Germany and the United Kingdom -- US policymakers appeared to resist external influence, placing such pressures aside in their consideration of the issue. Their likely reasoning was that a nation powerful enough to be the decisive factor in an international landmine ban should also be powerful enough to turn back external pressure for a ban and go it alone without suffering significant political consequence.

The Policy Formulation Phase. It is during this phase that the case of the landmine ban issue begins to yield some unexpected results. Certain variables that Rosenau's model -- and other models of American foreign policymaking -- hold as likely being of influence were not so, and others that one might expect to find lower in stature during the policy formulation phase showed surprising strength.

During this phase, the role variable ultimately proved to be the most influential, which is not inconsistent with Rosenau's more general model. As we have seen, several key policymakers, not the least of whom was the President himself, tempered their individual feelings about the merits of a landmine ban when policy tradeoffs had to be faced and the hard decisions of policy needed to be made. The influence of policymaker's roles on their policy positions moved from a lower level of importance, 4th in influence, during the agenda setting phase, to the top determinant of the eventual US landmine policy.

The governmental determinant similarly increased in influence as the issue moved from agenda setting to policy formulation. The State Department focused its efforts on establishing the US position on anti-personnel landmines and protecting US interests at the CCW review conference. The Defense Department, as well as the Uniformed Services, focused their efforts on creating a viable and coherent US anti-personnel landmine policy that was consistent with US security requirements. And as we have seen, both organizations displayed a remarkable degree of solidarity and cooperation on the issue as their separate efforts dovetailed nicely in protection of the status quo.

Two variables took a precipitous drop in influence as the issue moved from agenda setting to policy formulation. One was the individual variable. The wishes of the various individuals who played major parts in the formulation of the landmine policy, both those who supported a ban and those who eventually worked against it, took one of two paths. Either the individual's personal desire to see a landmine ban became subordinate to that person's role, as was the case with the President, or the individual remained true to his position but was essentially ignored by the bureaucracy, as was the case with Senator Leahy and others.

The other variable that fell dramatically in influence was the societal variable, and it is this particular outcome that was the most surprising result of the landmine ban issue. Pluralist and society-centered models of American foreign policymaking tell us that the societal variable should be relatively influential in the formulation of policy. Rosenau's model shows a similar level of influence, placing it second only to the influence of the role variable. However, as we have seen, once the process of policy

formulation commenced, the societal determinant, persistent and persuasive as it was, failed to hold a significant influence in the formulation of the policy. The subordination of the societal determinant to those of role, government, and individual, provides the most remarkable of the many counterintuitive results of the conflict between societal influences and the bureaucracy that led to the eventual US policy on anti-personnel landmines.

The noted weakness of the societal influence on the eventual outcome of the process warrants a closer look at this particular determinant within the context of the landmine policy process. Consider the following simple diagrams that show three possible paths for the strength of the societal determinant (S) over a policy outcome as the policymaking process as it progresses over time (T) from agenda setting through policy implementation. (See table 4.5)

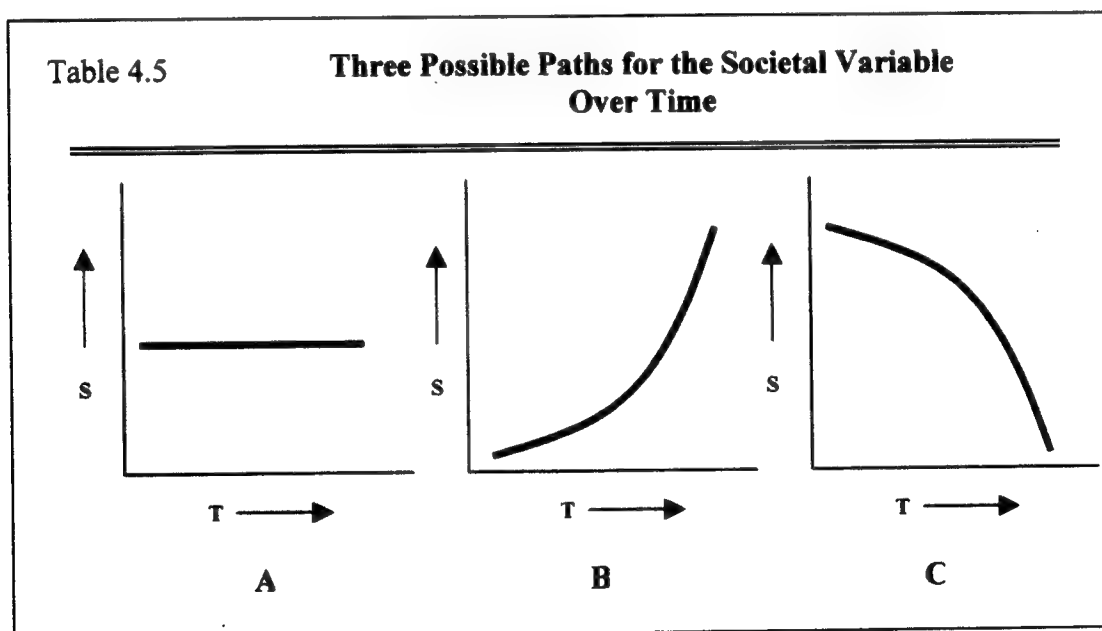


Diagram A shows a relationship in which societal influence is a steady variable in the policymaking process. The horizontal line may be moved up or down in accordance with various interpretations of the strength of societal influence in the policymaking process. Pluralist explanations of the foreign policy process would necessarily place the line higher, and more state-centered interpretations would move it lower. However, whether one views societal determinant as strong or weak, the influence of the variable over the outcome of the process is commensurate with its strength throughout the process.

Diagram B represents a highly unlikely result in which the societal variable has little effect on the policymaking process, but a greater level of impact on the policy outcome. This is a highly implausible phenomenon that would essentially amount to the existence of a response without a stimulus.

Diagram C is the opposite of the above phenomenon and represents what actually happened during the landmine issue. A heavy societal influence in the early stages of the policymaking process waned over time and yielded to the strength of the bureaucracy, resulting in no measurable societal influence over the final policy outcome. The landmine ban issue was stimulus without response -- an example of a societal variable that was significant during the early phases of the process but almost invisible in the outcome.

Policy Implementation. There was only one change that took place once the policy was announced and the implementation phase began; the influence of the government gained primacy and other variables became relatively less important. Apart from signaling no fundamental change in US landmine policy, the policy announced on

May 16th contained a number of tasks for the bureaucracy including: the requirement for the Chairman of the Joint Chiefs to submit an annual report with his assessment of whether the policy's exceptions are still valid; the Defense Secretary's task to begin a research and development program to find alternatives to anti-personnel landmines; and the Defense Department's mission to create a robust mine detection and clearance program to be shared with other nations. Additionally, the bureaucracy would be responsible for implementing the policy and obtaining feedback on its overall effectiveness.

The policy having been announced, it became the responsibility of the government to see it through under the watchful eye of the various policymakers -- each fulfilling their respective roles -- who brought it to life. The societal determinant, representing the influence of domestic forces for change, and its external counterpart lay at the bottom of the list of Rosenau's five variables, even more ineffective after the announcement of the policy than when it was being created.

There is no single model of foreign policymaking that adequately explains the creation of the US policy on anti-personnel landmines. However, that should not be taken as a reflection on the worth of the models or on the study of American foreign policy as a whole. Models are nothing more than simplifications of reality, and so applying models to actual cases necessarily requires the student to bend, stretch, and modify them to reconcile their inherent abstract nature with the untidiness of the real world. Understanding the models of Spanier and Uslander, Schraeder, and Rosenau in their entirety is only the first step. Parsing out their more salient elements and applying those elements to the case at hand exponentially increases their value and draws us even

nearer to understanding not only what happened in the creation of the US policy on anti-personnel landmines, but more importantly why.

Epilogue

On March 1st, 1999, an international ban on anti-personnel landmines took effect. The so-called "Ottawa Treaty" was signed by 164 nations, 66 of whom had already ratified it in their respective legislatures. The US was not one of them. Church bells rang around the world to mark the occasion, and in Washington, several landmine survivors gathered in front of the wrought iron gates of the White House in protest carrying signs that read "Why Not US?"⁴²

It didn't matter. The scene provided the most powerful visual example of what the preceding analysis has attempted to show. The power of societal pressure is not a constant in the arena of foreign policymaking. In a case such as this, where policymakers are highly cognizant of their roles and the foreign policy bureaucracy is firm and resolute, the pressures of domestic society and the external environment are insufficient to bring radical change -- no matter how well intentioned the champions of that change may be.

End Notes

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⁴⁰ Rosati, Politics, 249.

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Chapter Five

Conclusion

The case of the anti-personnel landmine debate in the US is a story of a special interest group coalition that fought hard to bring radical change in a very narrow issue within US foreign policy. It is a story of how this societal force clashed with the foreign policy bureaucracy during the formulation of a new US landmine policy. And, finally, it is a story of how these societal forces -- in spite of their enormous capability -- failed to bring the change they sought.

This thesis began by enumerating three aspects of this particular case that makes its examination a worthwhile endeavor. The first involved the question of whether this particular episode in foreign policymaking represents an example of a policy being crafted from a perspective that is more realist or more liberal in nature. And it appears that in this case, rather than representing one or the other, we have an example of US policymakers who appeared to move from one pole to the other over time.

During the early days of the issue, the atmosphere was rife with soaring liberal rhetoric. Key policymakers; the President, the Chairman of the Joint Chiefs of Staff, and the very influential UN Ambassador, seemed to embrace the possibility that the nations of the world could, and should, affix their signatures to an international agreement and thereby make the world safe for its children by "ridding the world of those often hidden weapons."¹

But as the issue progressed over time, the grandiloquent talk of ending the global scourge of landmines was replaced by tepid promises of future international efforts and possible agreements. And solving the landmine crisis once and for all moved from the

realm of the possible to the realm of the "nice to do" -- a primarily humanitarian gesture that would have to be accomplished only within the framework of America's military necessity and its commitment to allies overseas.

The change in how policymakers addressed the subject, in both tone and substance, was palpable. The President, who used the podium in the hall of the UN General Assembly to raise the issue in the first place, mentioned it less and less as time went by. The President's remarks on the subject tapered off significantly as the State Department began to articulate a very different US position on the subject more and more over time.

Additionally, key policymakers laid bare their thought process on the subject as the issue progressed. General Shalikashvili, who had privately expressed his inclination to eliminate mines altogether,² later shared with reporters the difficulty of balancing the greater good of humanity against the safety of the American soldiers he was duty-bound to protect.³ Defense Secretary Perry's spokesman offered a similar calculus in considering America's commitment to the defense of South Korea as well as the protection of US forces in harms way, both present and future.⁴

The President himself, who clearly supported the landmine ban in theory, provided the most appropriate example of how the issue finally came down to a rational calculus of military security and the national interest. In announcing his policy, he offered:

Just as the world has a responsibility to see to it that a child in Cambodia can walk to school in safety, as Commander in Chief, my responsibility is also to safeguard the safety, the lives of our men and women in uniform.⁵

It appears that in this case, liberalism carried the day when the talk was cheap. But when the time came to face the tough choices, realism prevailed. In reconsidering US landmine policy, policymakers appeared to be liberal in word and realist in deed.

The second aspect of this case that makes it appealing is its implications for the presumption that the forces of society, when properly focused and dedicated, can decisively influence the policymaking process.

We have seen this was not true in the case of anti-personnel landmine policy. Martin Smith; Ikenberry, Lake, and Mastanduno; Thomas Risse-Kappen, Willard Richan; Cunningham and Moore; and Melvin Small have all shown that the power of societal pressure in the policymaking process is not unlimited. In certain cases and under certain circumstances, policymakers either fail to truly gauge the public zeitgeist,⁶ or simply choose to go their own way to further what they consider to be the national interest, even in the face of significant societal pressure.⁷ The anti-personnel landmine issue appears to be just such a case.

There were clearly other considerations that weighed heavier in the minds of policymakers, especially the President, as the policy formulation process progressed. The most important of those involved the combination of the perceived interests of the nation -- in this case military security expressed as the safety to American troops provided by anti-personnel landmines -- and the belief that policymakers must uphold the expectations of their office in defending those interests regardless of their personal feelings on a given subject.

David Truman expresses this phenomenon of roles well:

In more controversial situations the administrator knows that he can reject or modify the claims of more narrowly based but highly organized interest groups that clearly conflict with the demands of office.⁸

As we have seen, individual policy preferences played a large part in placing the anti-personnel landmine issue on the foreign policy agenda, but the individual influence dropped precipitously as the issue moved from agenda setting, through policy formulation, and finally into implementation. The President, who individually appeared to support a landmine ban, was limited in his power to see his desires translated into policy.

This was partly a function of American politics at the end of the 20th century. The Presidency, although still the locus of the foreign policymaking apparatus, has withered somewhat now that the mortal consequences of Cold War foreign policy has given way to a more meandering and less coherent post-Cold War foreign policymaking environment, as Jerel Rosati; Roger Hilsman; Kegley and Wittkopf; and Thomas, Pika, and Watson have shown. But more importantly, this was a consequence of a President cognizant of the weight of his office and unwilling to place his personal sympathies on the landmine issue above his role as Commander in Chief. Ambassador Albright and General Shalikashvili appeared to follow a similar path as they placed position above proclivity.

The third alluring aspect of this case is that it provides a window into the workings of the bureaucracy. The Allisonian model of a fragmented and contentious foreign policy bureaucracy that prevails, regardless of issue or circumstance, is pervasive in the scholarship of international relations and American foreign policymaking. Apart

from Allison, who established the genre, Putnam, Hilsman, and Schreder all point to an almost issue-immaterial political wrangling as the defining feature of policymaking within the bureaucracy.

Allison writes:

[What] moves the chess pieces is not simply the reasons that support a course of action, or the routines of organizations that enact an alternative, but the power and skill of proponents and opponents of the action in question.⁹

Such was not the case when the issue was anti-personnel landmines. The issue *did* matter, and the importance of that issue and the manner in which key policymakers subordinated their individual feelings on the issue in deference to their prevailing view of the national interest was a greater determinant in the policy outcome than Allison's "skill of the policymakers" in the bureaucratic struggle.

Additionally, this case belies Putnam's assertion that "on nearly all important issues, 'central decisionmakers' disagree about what the national interest and the national context demand."¹⁰ In the process of crafting a new anti-personnel landmine policy, all the key players appeared to agree on both the national interest, keeping anti-personnel landmines available to US troops, and the national context, their ability to ignore the societal pressure without serious consequence.

The Departments of State and Defense stood shoulder to shoulder in defense of the status quo. The celebrated intra-governmental tug of war, which would have worked to the advantage of the landmine ban coalition, was absent in this case. The State Department articulated the US position on anti-personnel landmines in January of 1995. It maintained its position throughout the debate and walked away from the CCW review

conference in May 1996 without having to concede much in the way of fundamental principles. At the same time, the Uniformed Services studied the issue in depth and determined they could live with restrictions on "dumb" mines as long as the defense of South Korea could be excepted and "smart" mine restrictions were off the table. And both Departments, and the policies they advanced, worked together to ensure that a military useful conventional weapon would be as available to US ground commanders in the years to come as it has been in years past.

The anti-personnel landmine case is thus characterized by US policymakers who spoke the language of liberalism but behaved as realists, by the relative powerlessness of the landmine ban interest group coalition to change US policy, and by the absence of any discernable in-fighting within a remarkably unified bureaucracy.

So that leaves us with our original research question: *what were the specific determinants of this policy and how did each affect the policy outcome?* The correct answer to that question is: it depends. It depends upon which phase of the policymaking process one wishes to examine.

The individual was the most influential determinant during the agenda setting phase, as seen in the President of the United States expressing his desire to begin the process of enacting a landmine ban in the most public forum imaginable, the floor of the UN General Assembly. Societal influences shored up the individual variable during this early phase of the policy, as the landmine ban interest group coalition made a concerted effort to bring the President's words to life. The government played a passive role in this phase, as did policymaker roles. The external source variable was an unimportant

consideration for the most powerful nation in the international system during this phase, and remained unimportant as the set-piece policymaking process lumbered forward.

The influence of roles shot to the top of the list of determinants during the policy formulation phase -- the defining feature of this portion of the policymaking process. Policymakers subordinated their personal feelings on the merits of expunging landmines from the arsenals of civilized nations and sought to fulfill what they viewed was their bounden duty to protect the national interest. It was the structure of the US government, the second most influential determinant, which placed these individuals in these roles, thereby giving them the forum in which to affect a final landmine policy. The influence of individuals mattered much less in the formulation of this policy, as did the influence of societal pressures, which remained outside the process and were relegated to using the power of the press to take verbal aim at the many trial balloons that the bureaucracy occasionally floated as they mulled over a final policy.

Once the policy was announced, the governmental determinant assumed primacy, charged with implementing the policy and obtaining feedback on its viability and effectiveness. The role variable moved to second place in influence as policymakers, the authors of the policy, maintained a vested interest in ensuring its success. Individuals remained much less influential than the government or roles during this phase, but nonetheless more important than the societal influence that had been completely marginalized as the policy took shape.

Thus, there was no single determinant, or fixed set of determinants, that created a final policy on anti-personnel landmines. This case shows that during each of the three phases of the process that led to the final policy, a different determinant assumed

primacy, and the interplay among the various determinants of American foreign policy paints a picture of an intricate and dynamic policymaking process.

This fascinating episode in the making of American foreign policy reveals some interesting insights into the policymaking process. However, it is a single case and therefore has given rise to even more questions about the making of American foreign policy in general than it provides. The study of American foreign policy yields precious few final answers. The most that can be asked is that single cases that hold interesting and often counterintuitive outcomes, like the case at hand, can serve as yet another step in the almost Sisyphean task of attaining a deeper understanding the making of American foreign policy.

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